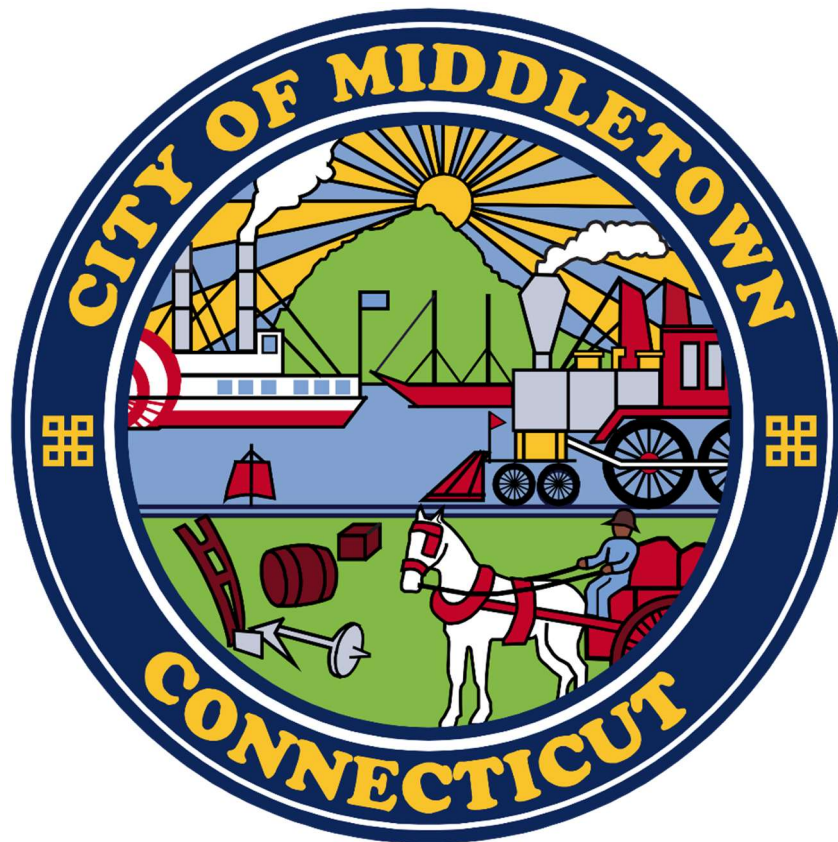


# ZONING CODE

*of The City of Middletown, Connecticut*

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Adopted: February 7, 1927  
Readopted by the Planning & Zoning Commission: October 5, 2022  
Amendments Effective: December 7, 2022

## Preamble

Pursuant to a Public Act of 1925 titled, “An Act Concerning Zoning,” enacted by the Legislature of the State of Connecticut, the Common Council of the City of Middletown adopted zoning ordinances to promote the public health, safety, and welfare of the residents of Middletown. The Common Council divided the City into zoning districts, and regulating the location, erection, alteration, and repair of buildings designed for specific uses and prescribed penalties for the violation of such ordinance.

The first codification of the Zoning Ordinances was later published on November 22, 1967 on order of the Zoning Commission, and would hereafter be referred to as the Zoning Code of the City of Middletown. Through its legislative capacity, the Zoning Commission, and later the Planning & Zoning Commission made many amendments to the Zoning Code over the next 55 years.

On September 28, 2022, the Planning & Zoning Commission readopted the Zoning Code of the City of Middletown with modifications to the codification and needed refinement. The readopted zoning code provides a modern organization and format, minor spelling and grammatical corrections, and includes various updates related to references.

The titles and section designations, in some cases, may have been added or modified when edited to conform with the style of this Code, but no substantive changes have been made in the text of the zoning legislation that could alter the requirements, allowances, or interpretation of that or any other code.

Historical amendment reference dates have been removed from the body of the text and a reference list of amendments are available in the Department of Land Use and the Office of the Town Clerk.

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## Article I. General Provisions

- §1.1 General.** Except as hereinafter specified, it shall be unlawful to use any land, structure, or building or to construct, erect, structurally alter, enlarge or rebuild any building or structure or part thereof unless in conformity with the provisions of this Code. No use or occupancy of building, structure, land or premises and no trade or industry shall hereafter be permitted within the City of Middletown which will produce irritating, corrosive, toxic or noxious fumes, gas vapor, smoke, cinders, or odors or obnoxious dust or waste or undue noise or vibration so as to be detrimental to the public health, safety or general welfare. The provisions of this Code shall not require modifying or changing the height, location or size of any building now existing or any change in the construction or arrangement of any such building or any change in the present use of any building, structure or premises.
- §1.2 Purpose.** The purpose of this Zoning Code and the intent of the legislative authority in its adoption is to promote and protect the public health, safety, convenience, comfort, prosperity and the general welfare of the City of Middletown, Connecticut; by regulating the use of buildings, other structures and land for residences, public facilities, institutions, business, services, industry or other purposes; by regulating and restricting the bulk, height, design, percent of lot occupancy, and location of buildings; by regulating the limiting population density; and, for the aforesaid purposes, to divide the land within the corporate limits of the City into zones of such number and dimensions in accordance with the objectives of the *Plan of Conservation and Development*; and to provide procedures for administration and amendment of it.
- §1.3 Intent.** This Zoning Code is intended to achieve, among others, the following objectives: to protect the character and values of residential, institutional and public uses, business, commercial, and manufacturing uses - and to insure their orderly and beneficial development; and to provide adequate open spaces for light, air and outdoor uses; and to prevent excessive concentration of population - and, on the other hand, to prevent sparse and uncoordinated development; and to regulate and control the location and spacing of buildings on the lot and in relation to the surrounding property so as to carry out the objectives of the *Plan of Conservation and Development*; and to regulate the location of buildings and intensity of uses in relation to streets according to plans so as to cause the least interference with, and be damaged least by traffic movements, and hence result in lessened street congestion and improved public safety; and to establish zoning patterns that insure economic extensions for sewers, water supply, waste disposal and other public utilities, as well as developments for recreation, schools, and other public facilities; and to guide the future development of the City so as to bring about the gradual conformity of land and building uses in accordance with the

objectives of the *Plan of Conservation and Development*; and to accomplish the specific intents and goals set forth in the introduction to the respective parts.

**§1.4 Application of Zoning Code.**

1. No building, structure, or land shall hereafter be used or occupied; and no building or structure or part thereof shall hereafter be erected, constructed, reconstructed, moved, or structurally altered except in conformity with all of the codes herein specified for the zone in which it is located.
2. No building or other structure shall hereafter be erected or altered; to exceed the height or bulk; to accommodate or house a greater number of families; to occupy a greater percent of lot area; to have narrower or smaller rear yards, front yards, side yards or other open spaces than herein required; or in any other manner contrary to the provisions of this Code.
3. No part of a yard, or other open space, or off-street parking or loading space required above or in connection with any building for the purpose of complying with this Code, shall be included as part of a yard, open space, or off-street parking or loading space similarly required for any other building.

**§1.5 Separability Clause.** Each section of this Code and each part of such section are declared to be independent sections and parts of sections, and notwithstanding any other evidence of legislative intent, it is hereby declared to be the controlling legislative intent that if any provision of said sections, or parts of sections and the application of such provision to any person or circumstances other than as to those to which it is held invalid, shall not be affected thereby, and it is hereby declared, that this Code would have been passed independently of the section, sections or parts of a section held to be invalid.

**§1.6 Provisions Declared to be Minimum Requirements.** In their interpretation and application, the provisions of this Code shall be held to be minimum requirements, adopted for the promotion of the public health, safety, moral, or general welfare. Wherever the requirements of this Code are at variance with the requirements of any other lawfully adopted rules, codes, ordinances, deed restrictions, or covenants, the most restrictive or that imposing the higher standards shall govern.

**§1.7 Site Plan Approval.** Site Plan approval shall be required in accordance with §5.5 *Site Plans*.

**§1.8 Performance Standards.**

1. *General Requirements.* No land or structures in any zone shall be used or occupied in any manner so as to create any dangerous, injurious, noxious, or otherwise objectionable fire, explosive, or other hazard; noise or vibration, smoke, dust, odor or other form of air pollution, heat, cold, dampness, electrical

or other substance, condition or element; in such a manner or in such quantities and of such characteristics and duration as to be, or likely to be, injurious to public welfare, to the health of human, plant, or animal life or to property in the adjoining premises or surrounding area (referred to herein as “dangerous or objectionable elements”) provided that any use permitted or not prohibited by this Code may be established and maintained provided it conforms to the provisions of this section.

2. *Existing Non-Conforming Uses.*

1. Performance Standards – Review. Whenever it is alleged that a use of land or structure creates or is likely to create or otherwise produce dangerous or objectionable elements, the Commission shall make a preliminary investigation of the matter. In the event that the Commission concurs in the allegation that there exists or are likely to be created such dangerous or objectionable elements it shall request the Common Council to authorize the employment of a competent specialist or testing laboratory for the purpose of determining the nature and extent of said dangerous or objectionable elements and of practicable means of remedying such condition.
2. Location where Determinations are to be made for Enforcement of Performance Standards. The determination of the existence of any dangerous and objectionable elements shall be made at the location of the use creating the same and at any points where the existence of such element may be more apparent; provided, however, that the measurements necessary for enforcement of performance standards shall be taken, in any industrial zone at the boundary or boundaries of such zone, or at any point within an adjacent Residential Zone.
3. Enforcement. Upon receipt of the findings and recommendations of such specialists or laboratory the Commission may approve, partially approve or disapprove the measure recommended therein and instruct the enforcement official to proceed with the enforcement of said measures in accordance with the provisions of this Code.
4. Cost of Investigation, etc. The City shall bear the costs of various tests, consultant fees or other investigation which are required herein, provided that the owner of the property under investigation shall reimburse the City for all such expenses in the event that operation or use of said property is found to be in violation of the provisions of this section by the Commission, or, if contested, by a court of competent jurisdiction. Such reimbursement shall be made within 90 days from the date of the final Commission ruling or court judgment.



5. Continual Compliance. Any use authorized under the provisions of this Section shall comply continually therewith and shall remedy any additional dangerous or objectionable elements, which may develop in the course of its operation.
  
3. *New Uses.* In addition to the standards herein above stated, every use permitted from the effective date of this Section, unless expressly exempted by this Code, shall be operated in its entirety within a completely enclosed structure or a completely enclosed fence except residential uses and shall comply with the following provisions:
  1. A solid wall, cyclone-type fence or uniformly painted fence or fire-resistant material with a minimum of five feet and maximum of eight feet finished grade (or above roof level or on a roof.)
  2. Required walls or fences shall not encroach into front yard but shall be located no closer to the front lot line than the front building line.
  3. Such buffer strips, shrubs, trees, walls or fences shall be maintained in good condition at all times.
  4. The exemption of a use from this requirement of enclosure will be indicated by the phrase “need not be enclosed” appearing after any use exempted.
  5. No parking of vehicles shall be allowed within five feet of the front line except in industrial zones only.

**§1.9 Zoning Districts.** For the purpose of this Code the City of Middletown is hereby divided into the following zones:

R-15, R-30, R-45, R-60, R-1	
RPZ	Residential Pre-zoning
M	Multi-Family Dwelling Units
MXR	Mixed Use Residential
MXC	Mixed Use Commercial
MXI	Mixed Use Industry
PRD	Planned Residential Development
B-1	Central Business
B-2	General Business
I-1	Service Industrial
I-2	Restricted Industrial
I-3	Special Industrial
TD	Transitional Development
IOP	Interstate Office Park
RF	Riverfront Recreation

IT	Interstate Trade
PL	Park Land
IRA	Industrial Redevelopment Area
I-4	Limited Industrial Zone
NRC	Neighborhood/Rural Commercial Development Zone
SMH	Substance Abuse/Mental Health Floating Zone
NPC	Newfield Street Planned Retail Business Commercial Zone
DVD	Downtown Village District

**§1.10 Zoning Map.** The Zoning Map, together with the zones as shown and all the explanatory matter thereon, is hereby adopted by reference and declared to be part of this Code.

1. *Identification.* The official Zoning Map shall be identified by the signature of the chairman of the Commission, attested by its Director, and bearing the seal of the Commission under the following words: "This is to certify that this is the Official Zoning Map referred to in §1.10 of the Zoning Code of the City of Middletown, Connecticut".
2. *Changes.* If in accordance with the provisions of this Code and relevant, State Statutes, changes are made in zone boundaries or other matter portrayed on the Official Zoning Map, such changes shall be entered on the Official Zoning Map promptly after the amendment has been approved and adopted by the Commission, with an entry of the Official Zoning Map indicating the date the change became effective. No amendment to this Code, which involves matters portrayed on the Official Zoning Map, shall become effective until after such change and entry have been made on said map.
3. *No Changes.* Of any nature shall be made in the Official Zoning Map or matter shown thereon, except in conformity with the procedures set forth in §7.2 *Amendment Procedure*.
4. *Final Authority.* Regardless of the existence of purported copies of the Zoning Code Map which may from time to time be made or published, the Official Zoning Map which shall be located in the office of the Commission, shall be the final authority as to the current zoning status of land and water areas, buildings, and other structures in the City.
5. *Replacement of Official Zoning Map.* In the event that the Official Zoning Map becomes damaged, destroyed, lost or difficult to interpret because of the nature or number of changes and additions, the Commission may by resolution adopt a new Official Zoning Map, which shall supersede the prior Official Zoning Map. The new Official Zoning Map may correct drafting or other errors or omissions in the prior Official Zoning Map, but no such correction shall the effect of amending the original Official Zoning Map or any subsequent amendment thereof. The new Official Zoning Map shall be identified by signature of the Chairman of the

Commission, attested by the Director of Land Use, and bearing the seal of the City under the following words: "This is to certify that this Official Zoning Map supersedes and replaces the Official Zoning Map adopted on (date)", unless the prior Official Zoning Map has been lost or has been totally destroyed, the prior map or any significant parts thereof remaining, shall be preserved, together with all available records pertaining to its adoption or amendment.

6. *Rules for Interpretation of Zone Boundaries.* Where uncertainty exists as to the boundaries of any zone as shown on the Official Zoning Map, the following rules shall apply:
  1. Boundaries indicated as approximately following the centerlines of streets, highways, or alleys shall be construed to follow such centerlines;
  2. Boundaries indicated as approximately following plotted lot lines shall be construed as following such lot lines;
  3. Boundaries indicated as approximately following City limits shall be construed as following such City limits;
  4. Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks;
  5. Boundaries indicated as approximately following the centerlines of streams, rivers, canals, lakes, or other bodies of water shall be construed to follow such centerlines;
  6. Boundaries indicated as parallel to or extensions of features indicated in §1.10.6.1 through §1.10.6.5 above shall be so construed; Distances not specifically indicated on the Official Zoning Map shall be determined by the scale of the map.
  7. Where physical or cultural features existing on the ground are at variance with those shown on the Official Zoning Map, or in other circumstances not covered by §1.10.6.1 through §1.10.6.6 above, the Commission shall interpret the zone boundaries;
  8. Where a zone boundary line divides a lot, which was in single ownership at the time of passage of this ordinance, the Commission may permit, as a special exception, the extension of the codes for either portion of the lot not to exceed 50 ft. beyond the zone line into the remaining portion of the lot.

- §1.11 Erection of More than One Principle Structure on a Lot.** Every principal building hereinafter erected shall be located on a lot as herein defined, and except as herein provided, there shall be not more than one single-family dwelling on one lot.
- §1.12 Buildable Lots.** A buildable lot is a lot, which was legally recorded at the time of adoption of this section or which appeared on a preliminary subdivision plat approved by the Planning Commission prior to the adoption of this section and given final subdivision plat approval and filed with the Town Clerk within six months of the adoption of this section and which was a buildable lot under the Zoning Code in effect immediately prior to the adoption of this section. There are no minimum area requirements. The lot must have minimum frontage of 50 ft.
- §1.13 Structures to Have Access.** Every building, or authorized complex of buildings, hereafter erected or moved shall be on a lot adjacent to a public street, and all structures shall be so located on lots as to provide safe and convenient access for servicing, fire protection and required off-street parking.
- §1.14 Subdivision, Resubdivision, and Lot Split.** Land may be apportioned into lots in accordance with the requirements of this Code and *Subdivision Regulations*.
- §1.15 Definitions.** For the purpose of this Code, certain terms or words used herein shall be interpreted in accordance with this section, unless the context clearly indicates a contrary intent. Unless the context otherwise requires, the following definitions shall be used in the interpretation and construction of the Code. Words used in the present tense shall include the future; the singular number shall include the plural, and the plural the singular; the word “building” shall include the word “structure”, the word “used” shall include “arranged, designed, constructed, altered, converted, rented, leased” or “intended to be used” and the word “shall” is mandatory and not directory; the word “may” is permissive; and the word “lot” includes the words “plot” or “parcel”.

**Accessory Apartment.** A separate dwelling unit that is located on the same lot as a principal dwelling unit of greater square footage.

**Accessory Use of Structure.** A use or structure subordinate to the principal use of a building or to the principal use of land and which is located on the same lot serving a purpose customarily incidental to the use if the principal building or land use.

**Active Adult Housing.** A managed residential community consisting of single-family attached and detached residential structures the occupancy of which is limited, as permitted by state and federal fair housing laws, to those aged 55 and over.

**Agriculture.** The use of land for agricultural purposes, including farming, dairying, pasturage, agriculture, horticulture, floriculture, viticulture, and animal and poultry husbandry and the necessary accessory uses for packing, treating or storing the

produce; provided that the operation of any such accessory uses shall be secondary to that of normal agricultural activities and provided further that the above uses shall not include the commercial feeding of garbage or offal to swine and other animals.

**Airport.** Any runway, landing area or other facility designed, used or intended to be used either publicly or privately by any persons for the landing and taking off of aircraft, including all necessary taxiways, aircraft storage and tie-down areas, hangers and other necessary buildings and open spaces.

**Alcoholic Liquor Permit.** Shall mean the following permits which may be issued by the Liquor Control Commission of the State of Connecticut under *Chapter 545 of the Connecticut General Statutes*, as amended: druggist permit, package store permit, and grocery beer permit.

**Ambulance Service.** The term “ambulance service” shall have a meaning commonly and usually give to the term and shall also include uses necessarily incident of accessory thereto, except that it shall not permit limousine service.

**Apartment.** A suite of rooms or a room in a multi-family building arranged and intended for a place of residence of a single-family or a group of individuals living together as a single housekeeping unit.

**Apartment, Efficiency.** A dwelling unit in a multi-family building, consisting of not more than one habitable room, together with kitchen or kitchenette and sanitary facilities.

**Apartment Hotel.** An apartment house which furnishes services for the use of its tenants which are ordinarily furnished by hotels.

**Apartment House.** See dwelling, Multi-family.

**Automobile Body Shop.** The term “automobile body shop” shall have the meaning commonly and usually given to the term and shall also include uses necessarily incident or accessory thereto.

**Automobile Repair and Service Station.** Building, lot, or both in or upon which business of general motor vehicle repair and service is conducted, but excluding junk and/or auto wrecking business.

**Automobile or Trailer Sales Lot.** A lot arranged, designed, or used for the storage and display for the sale of any motor vehicle or any type of trailer (provided the trailer is not for residential uses) and where no repair work is done, except minor incidental repair of automobiles or trailers, displayed and sold on the premises; nor shall it be used for the storage of dismantled or wrecked motor vehicles, parts thereof, or junk.

Automobile Service Station or Filling Station. A building or other structure or a tract of land where gasoline or similar fuel, stored only in underground tanks, is dispensed directly to users of motor vehicles. The following activities are permitted as accessory uses to a gasoline station: the dispensing of oil, greases, antifreeze, tires, batteries, and automobile accessories directly to users of motor vehicles; tuning motors, minor wheel and brake and adjustments, waxing and polishing and other minor servicing and repair to the extent of installation of the items enumerated above; washing of automobiles provided that no chain conveyor, blower, or other mechanical device is employed. All other activities shall be prohibited, including, but not limited to upholstering work, auto glasswork, tire recapping, auto dismantling, and auto sales.

Automobile Wash or Automatic Car Wash. A building or structure where chain conveyors, blowers, steam cleaners and other mechanical devices are employed for the purpose of washing motor vehicles.

Automobile Wrecking. The dismantling or disassembling of used motor vehicles or trailers, or the storage, sale or dumping of dismantled, partially dismantled, obsolete or wrecked vehicles or their parts.

Aquifer. Underground geologic unit capable of yielding usable amounts of potable water.

Basement. A story whose floor is more than 12 in. but not more than half of its story height below the average level of the adjoining ground (as distinguished from a "cellar" which is a story more than one-half below such level).

Beginning of Construction. The incorporation of labor and material within the walls of the building or buildings.

Block. In describing the boundaries of a zone, the word "block" refers to the legal description. In all other cases, the word "block" refers to the property abutting on one side of a street between the two intersecting streets or a street and a railroad right-of-way watercourse.

Board. The Zoning Board of Appeals of the City of Middletown.

Boarding or Lodging House. A dwelling or part thereof where meals and/or lodging are provided for compensation, for four or more persons not transients, but not exceeding 12 persons. An establishment where meals are served for compensation for more than 12 persons shall be deemed a restaurant.

Bottle Redemption Center. A facility which receives and processes used beverage containers submitted by the public for refund of deposits paid on the containers when the beverage was purchased.

Brewery/ Distillery. A facility where alcoholic beverages included but not limited to beer, mead, cider or liquor can be manufactured, stored, bottled, distributed and sold at wholesale or at retail directly to the consumer.

Brewpub. A restaurant that manufactures beer or other alcoholic beverages for onsite consumption.

Buffer. A strip of land which is planted and maintained in shrubs, bushes, trees, grass or other landscaping materials and within which no structure or building is permitted except a fence.

Building. Any structure having a roof supported by columns or walls used or intended to be used for the shelter or enclosure of persons, animals or property. When such a structure is divided into separate parts by one or more unpierced walls extending from the ground up, each part is deemed a separate building, except as regards minimum side yard requirements, as hereinafter provided.

Building Accessory. A building located on the same lot as a principal building and devoted or intended to be devoted to an accessory use. Any portion of a principal building devoted or intended not to be devoted to an accessory use is not an accessory building.

Building, Principal or Main. A building in which is conducted, or is intended to be conducted, the principal use of the lot on which it is located.

Building Coverage. The proportion of the lot area, expressed as a percent, which is covered by the maximum horizontal cross-section of a building or buildings. Structures, which are below the finished lot grade, including shelters for nuclear fall-out, shall not be included in building coverage.

Building, Height of. The vertical distance from the average contact ground level at the front wall of the building to the highest point of the coping of a flat roof or to the deck line of a mansard roof, or to the mean height level between eaves and ridge for gable, hip, or gambrel roofs.

Building Line. The line beyond which no building or part thereof shall project, except as otherwise provided by this Code.

Building Lot Area. That part of the lot not included within the open areas required by this Code.

Bus stop Passenger Shelters. A structure designed to give potential bus passengers refuge from the elements for a short period of time.

Cannabis Micro-Cultivation. An establishment for cultivation, growing and propagation of the cannabis plant, containing not less than 2,000 sq. ft. and not more than 10,000 sq. ft. of grow space, prior to any expansion authorized by the Commissioner of Consumer Protection up to 25,000 sq. ft., operated by a micro-cultivator, as defined in the Responsible and Equitable Regulation of Adult-Use Cannabis Act, as amended.

Cannabis Retail. An establishment selling cannabis to consumers and research programs operated by a retailer, as defined in the Responsible and Equitable Regulation of Adult-Use Cannabis Act, as amended.

Care/Nursing Home. A facility designed for the care of patients before they are released from medical treatment. It includes rest and nursing homes, convalescent homes and boarding homes for the aged established to render domiciliary or nursing care.

Cellar. A story, the floor of which is more than one-half ( $\frac{1}{2}$ ) if its story height below the average contact ground level at the exterior walls of the building. A cellar shall be counted as a story, for the purpose of height codes, only if used for dwelling purposes other than by a janitor or caretaker employed on the premises.

Cemetery. Land used or intended to be used for the burial of the human dead and dedicated for cemetery purposes including columbaria crematories, mausoleums, and mortuaries if operated in connection with, and within the boundaries of such cemetery.

City. The incorporated City of Middletown, Connecticut.

Clinic. A place used for the care, diagnosis and treatment of sick, ailing, infirm and injured persons and those who are in need of medical or surgical attention, but who are not provided with board or room nor kept overnight on the premises.

CLUB. A non-profit association of persons who are bona fide members paying regular dues, and are organized for some common purpose, but not including a group organized solely or primarily to render a service customarily carried on as a commercial enterprise.

Commission. Planning and Zoning Commission of the City of Middletown.

Community Residential Treatment Facility. A facility providing care, rehabilitation, and supportive services in an organized program to patients/clients residing on the premises. Included are programs using a family-like setting as a therapeutic method.

Council. The Common Council of the City of Middletown.

Court. An open unoccupied and unobstructed space, other than a yard, on the same lot with a building or group of buildings, which is enclosed on three or more sides.



Churches. Churches (including synagogues): institutions of an established religion for worship in public assembly and activities customarily incidental to such worship.

Child Care Facilities. Care, supervision, and guidance of five or more children unaccompanied by a parent or guardian, for periods of less than 24 hours per day.

Dental Clinic Building. An establishment where patients are accepted for special study and treatment by a group of dentists practicing dentistry together.

Dormitory. A building or part of a building operated by or for an institution and containing a room or rooms forming one or more habitable units which are used or intended to be used by residents of the institution.

Drive-In Retail or Service Establishments. Any form of merchandising, servicing or dispensing of goods in which the customer is serviced while sitting in his automobile, or consumes within a parked vehicle on the same lot the goods or service which have been purchased, or awaits at the site for immediate servicing of a vehicle.

Dwelling. A building arranged and designed for permanent location for the purpose of living and sleeping.

Dwelling, Single-Family. A building designed for or used exclusively for residence purposes by one family or housekeeping unit.

Dwelling, Two-Family. A building designed for or used exclusively by two families or housekeeping unit.

Dwelling, Multi-Family. A building designed for or used by three or more families or housekeeping units.

Dwelling Unit. One room, or a suite of two or more rooms, designed for or used by one family for living and sleeping purposed and having only one kitchen or kitchenette.

Dwelling Group. A group of two or more detached dwellings located on a parcel of land in one ownership and having any yard or court in common.

Dwelling, Row (Town) House. A building designed for or occupies by three or more families living independently of each other, in units arranged in a row having party walls in common, with one family living on either side of a party wall.

Essential Services. The erection, construction, alteration or maintenance, by public utilities or municipal or other governmental agencies, of underground or overhead gas, electrical, steam or water transmission or distribution systems, collection,

communication, supply or disposal systems, including poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, and other similar equipment and accessories in connection therewith; reasonably necessary for the furnishing of adequate service by such public utilities or municipal or other governmental agencies or for the public health or safety or general welfare, but not including buildings.

Eleemosynary or Philanthropic Institution. A private, non-profit organization which is not organized or operated for the purpose of carrying on a trade or business, no part of the new earnings of which insures to the benefit of any member of said organization or individual, and which either: (a) provides volunteer aid to the sick and wounded of the armed forces in time of war and national relief in the case of great national calamities, or (b) provides any of the following: religious, social, physical, recreational, and benevolent services.

Family. An individual, or two or more persons related by blood, adoption, civil union or marriage, or a group of not more than five persons not related by blood, adoption, civil union or marriage, living together as a single housekeeping group in a dwelling unit. The establishment of a family in a dwelling unit with four to five persons but not more than five persons not related by blood, adoption, civil union or marriage, living together as a single housekeeping group in a dwelling unit shall require special exception approval from the Planning and Zoning Commission. Living together as a single housekeeping group in a dwelling unit entails common bath, common kitchen and one lease for all occupants.

Farm Brewery. Any place or premises that is located on a farm in which beer is manufactured and sold.

Farm Cidery. Any place or premises that is located on a farm in which cider is manufactured and sold.

Farm Winery. Any place or premises that is located on a farm in which wine is manufactured and sold.

Frontage. All the property abutting one side of a street between intersecting or intercepting streets, or between a street and a right-of-way, water-way end of a dead-end street; or city street shall determine only the boundary or the frontage on the side of the street which it intercepts.

Frontage, Where Measured. The frontage of a lot shall be measured along the front property line, but may be modified in the case of curvilinear streets in accordance with §4.8.3.2 *Frontage Modifications*.

Garage, Private. A detached accessory building or a portion of the principal building used only for the storage of self-propelled passenger vehicles or trailers by the family or families resident upon the premises. A carport or car-porch shall be construed to be a private garage.

Garage, Public. A structure or portion thereof, other than a private garage, used for the storage, sale, hire, care, repair or refinishing, of self-propelled vehicles or trailers.

Garden Apartment Building. A building, formed by two or more attached and/or semidetached dwellings and having a total of four or more dwelling units, which has no main central hallway and rises to no more than three stories.

Golf Driving Range. Is an area of not less than five or not more than 10 ac. where the practicing of golf driving techniques may take place. It includes the necessary structures and materials used therein for rental or sale.

Grade. The average elevation of the finished ground level of a structure.

Group Home. A home where no more than eight unrelated disabled or handicapped individuals, as defined by the Federal Fair Housing Act, reside in a single housekeeping unit, in accordance with all Fire, Health, Housing and Building Codes.

Hazardous Waste. See Solid Waste.

Home Occupation. See §4.4 Residential Unit Business Pursuit.

Hospital. A building or portion thereof used for the accommodation of sick, injured or infirm persons, including sanatoriums.

Hotel. Any building or group of buildings not less than two stories in which contains a public dining room, a public lobby and 20 or more guest rooms which are designed for intended to be used, let or hired out for a fraternity or sorority house, school or college dormitory, tourist home or motel.

Housing for Elderly. Dwelling units designated to be occupied exclusively by persons who meet federally established criteria as being elderly. Others may occupy units to provide management and maintenance for the units and site or care and companionship for the elderly.

Impervious Coverage. The total horizontal area of all buildings, roofed or covered spaces, paved surface areas, walkways and driveways, and any other site improvements that decrease the ability of the surface of the site to absorb water.

Industry. Storage, repair, manufacture, preparation or treatment of any article, substance or commodity for commercial use.

Institutional Use. The use of land or structures for the non-profit charitable, benevolent, spiritual, residential, instructional or custodial activities of government, education, religious, health care or similar organizations.

Junk. Any worn-out, cast-off, or discarded article or material which is ready for destruction or has been collected or stored for salvage or conversion to some use; or material which is incapable of immediately performing the function for which it was designed including, but not limited to: abandoned, discarded, or unused objects comprised of equipment such as automobiles, boats, and recreation vehicles which are unregistered and missing parts, not complete in appearance and in an obvious state of disrepair; or parts of automobiles, furniture, appliances, cans, boxes, scrap metal, glass, tires, batteries, containers and garbage which are in public view.

Junk Yard. The storage, keeping or abandonment of junk, scrap or discarded materials or equipment, including old metal, glass, paper, cordage or other waste or discarded or secondhand material; or the dismantling, demolition or abandonment of automobiles, other vehicles, machinery, equipment or parts thereof.

Salvage Yard. A place where waste, discarded or salvaged materials are bought, sold, exchanged, baled, packed, disassembled or handled, including auto wrecking yards, house wrecking yards, used lumber yards and places or yards for storage of salvaged house wrecking and structural steel materials and equipment.

Kennel. Any structure or premises on which five or more dogs over four months of age are kept for commercial purposes.

Kitchen. Any room in a building or dwelling unit which is used for cooking or the preparation of food.

Loading Space. An off-street space or berth on the same lot with a building or contiguous to a group buildings, for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials, and which abuts upon a street, alley or other appropriate means of access.

Lot. A parcel of land occupied or to be occupied by a building or structure and its accessory buildings or used, together with such open spaces as are required under the provisions of this Code, having at least the minimum areas required by this Code for a lot in the zone in which such lot is situated and having its primary frontage on a public street or public way. (This provision shall not apply to public or quasi-public institutions. The term "record lot" means the land designated as a separate and distinct parcel of land on a legally recorded subdivision plat or in a legally recorded deed filed among the

land records of the City of Middletown. A parcel of land in the same ownership or any part thereof designated by its owner or owners as a separate lot. There is a minimum frontage requirement of 50 ft. for single-family dwellings in zones which permit single-family dwellings, except for authorized rear lots, and for two-family dwellings in a RPZ zone as a Special Exception.

Lot, Corner. A lot abutting upon two or more streets at their intersection or upon two parts of the same street, such streets or parts of the same street forming an interior angle of less than 135 degrees. The point of intersection of the street lines is the "corner".

Lot, Interior. A lot other than the corner lot.

Lot, Depth. The mean horizontal distance between the front and the rear lot lines.

Lot Lines. The property lines bounding the lot.

Lot Lines, Front. The line separating the lot from the street on which it fronts.

Lot Lines, Rear. The lot line opposite and most distant from the front lot line.

Lot Line Side. Any lot line other than front or rear lot line. A side lot line separating a lot from a street is called a side street lot line. A side lot line separating a lot from another lot or lots is called an interior side lot line.

Lot Line, Street or Alley. A lot line separating the lot from a street or alley.

Lot Width. The mean width of the lot measured at right angles to its depth at the public street frontage.

Lot Area per Dwelling Unit. That portion of the lot area required for each dwelling unit located on a lot.

Lot, Through. A lot having frontage on two parallel or approximately parallel streets.

Lot, Rear. A parcel of land generally located in back of lots with required street frontage and meeting all the specific requirements set forth elsewhere in this Code.

Mineral. Any chemical compound occurring naturally as a product of inorganic processes.

Medical Clinic Building. An establishment where patients are accepted for special study and treatment by a group of physicians practicing medicine together but not including mental health/substance abuse treatment facilities, offices or clinics.

Mixed Use. A combination of two or more allowed uses in a zone including a residential use.

Motel or Motor Hotel. A series of attached, semi-attached or detached sleeping or living units, for the accommodation of automobile transient guests not including cooking or kitchen facilities, said units having convenient access to off-street parking spaces, for the exclusive use of the guests or occupants.

Non-conforming Use. A building, structure or premises legally existing and/or used at the time of adoption of this Code, or any amendment thereto, and which does not conform with the use codes of the district in which located. Any such building, structure, premises conforming in respect to use but not in respect to height, area, yards or courts, or distance requirements from more restricted districts or uses, shall not be considered a non-conforming use.

Non-Primary Components or Goods. Not the original or basic element, material or stage in any process related to manufacturing.

Outlet. A parcel of land which has not been included on a recorded plat as a numbered lot due to insufficient size or frontage, poor topography, lack of accessibility or other comparable reasons. No building or structure shall be constructed on an outlet so long as such conditions exist. See also usable open space.

Parking Area, Private. An open area for the same uses as a private garage.

Parking Lot, Commercial. A lot or portion thereof, other than an automobile sales lot, held out or used for the storage or parking of six or more motor vehicles for a consideration, where service or repair facilities are not permitted. Such parking lot shall not be considered an accessory use; nor shall it be used for the storage of dismantled or wrecked motor vehicles, parts thereof, or junk.

Parking Area, Public. An open area, other than a street or other public way used for the parking of automobiles and available to the public whether for a fee, free, or as an accommodation for clients or customers.

Parking Space. A permanently established area either within a structure or in the open, exclusive of driveways, designated for parking of motor vehicles.

Percentage of Lot Coverage. The percentage of "lot area" which may be covered by buildings, including covered porches and accessory buildings.

Performance, Standard. A criterion established in the interest of protecting the public health and safety for the control of noise, odor, smoke, noxious gases and other

objectionable or dangerous elements generated by and inherent in or incidental to land uses.

Profession. The term “profession” shall mean but not be limited to the following occupations: accountancy, architecture, art, chiropody, chiropractics, city planning, dentistry, electrology, engineering, healing arts, industrial design, insurance brokerage, law, medicine, music, optometry, osteopathy, pharmacy, real estate brokerage, science, teaching and theology.

Professional Office. Rooms or buildings used for office purposes by members of any recognized profession, but not including medical or dental clinics or mental health/substance abuse treatment facilities, offices or clinics.

Restaurant. An establishment that cooks, prepares and serves food and beverages to customers for onsite or off-site consumption.

Residential Principal Building. Any building containing one or more dwelling units, excluding residential accessory building for domestic servants and caretakers employed on the premises and for occasional gratuitous guests.

Rooming House. A structure licensed by the Middletown Department of Health as a rooming house per Housing Code Regulations.

Subdivision. The division of a tract or parcel of land into three or more parts or lot made subsequent to the adoption of subdivision regulations by the Commission, for the purpose, whether immediate or future, of sale or building development.

Resubdivision. A change in a map of an approved or recorded subdivision or resubdivision if such change: (a) affects any street layout shown on such map, (b) affects any area reserved therein for public use or (c) diminishes the size of any lot shown thereon and (d) creates an additional building lot, if any of the lots shown thereon have been conveyed after the approval of recording of such map.

Lot Split. Any division of land which is not a subdivision or resubdivision.

Shopping Center. A group of commercial establishments planned developed and managed as a unit with off-street parking provided on the property and related in location, size and type of shops to the trade area that the unit serves.

Solid Waste. Unwanted or discarded materials, including solid, liquid, semi-solid or contained gaseous material.

Solid Waste Facility. Any solid waste disposal area, transfer station or volume reduction plant operated by anyone, including a municipal or regional authority.

Solid Waste Disposal Area. A location utilized for ultimate disposal of wastes. No solid waste disposal area shall exceed a height of 30 ft. above mean sea level.

Hazardous Waste. a) Any solid waste which when improperly treated, stored, transported, processed, disposed of, or otherwise managed poses a present or potential hazard to human health or the environment; b) Any solid waste which is ignitable, corrosive, reactive, explosive or toxic and therefore may pose a present or potential hazard to human health or the environment; c) Any substance identified and listed as hazardous pursuant to or in accordance with federal or state law regulations.

Special Exception. A special exception is a use that would not be appropriate generally or without restriction throughout the zoning district but which is controlled as to number, area, location, or relation to the neighborhood, would promote the public health, safety, welfare, morals order, comfort, convenience, appearance, prosperity, or general welfare. Such uses may be permitted in such zoning district as special exception, if specific provision for such special exceptions is made in this Zoning Code.

Story. That portion of a building, included between the surface of any floor and the surface of the floor next above it, or, if there be no floor above it, then the space between the floor and the ceiling above it.

Story, Half. A partial story under a gable, hip or gambrel roof, the wall plates of which on at least two opposite exterior walls or not more than four feet above the floor of such story; provided, however, that any partial story used for residence purposes, other than for a janitor or caretaker and his family, shall be deemed a full story.

Story, First. The lowest story or the ground story of any building, the floor of which is not more than 12 in. below the average contact ground level at the exterior walls of the building except that any basement or cellar used for residency purposes, other than for a janitor or caretaker or his family, shall be deemed the first story.

Story, Mezzanine. A story which covers one third ( $\frac{1}{3}$ ) or less of the area of the story directly underneath it. A mezzanine story shall be deemed a full story in case it covers more than one-third ( $\frac{1}{3}$ ) of the area of the story directly underneath said mezzanine story.

Street. A public right-of-way which provides a public means of access to abutting property. The term "street" shall include avenue, drive, circle, road, parkway, boulevard, highway, thoroughfare, or any other similar term.

Structure. Anything constructed, the use of which requires permanent location on the ground, or attachment to something having a permanent location on the ground.



Structural Alteration. Any change in the structural members of a building, such as walls, columns, beams or girders.

Swimming Pool. As regulated by this Code, shall be any pool, pond, lake or open tank, not located within a completely enclosed building, but specifically excluding municipally owned and operated pools, and containing or normally capable of containing water to a depth at any point greater than one and one-half (1 ½) feet.

Tourist Home. A building or part thereof, other than a hotel, boarding house, lodging house or motel, where lodging is provided by a resident family in its home for compensation, mainly for transients.

Trailer of Mobile Home (Including Automobile Trailer, Trailer Coach, House Trailer, or Mobile Home). Any vehicle or structure constructed in such a manner as to permit occupancy thereof as sleeping quarters or the conduct of any business, trade or occupation or use as a selling or advertising device, or use for storage or conveyance for goods, equipment, or machinery, and so designated that it is or may be mounted on wheels and used as a conveyance on highways and streets, propelled or drawn by its own or other motor power.

Transitional Development. Development that fosters orderly development between two or more different zones, without adversely affecting property values of adjacent property values and is in harmony with surrounding neighborhoods. This definition is applicable to §6.2. *Special Exception Uses (Transitional Development Housing)*.

Usable Open Space. Space on a lot that is: (a) unoccupied by principal or accessory buildings above the finished lot grade, (b) unobstructed to the sky, (c) not devoted to service driveways or off-street parking or loading, (d) devoted to landscaping, drying yards, recreation space and other like uses, and (e) available in the same proportion to all occupants of the building or building on the lot. In addition, up to half the required usable open space of any dwelling unit may be made up of space on exterior balconies and roofs that is designed for the purposes stated in (d).

Use. The Principal purpose for which a lot or the main building thereon is designed, arranged or intended and for which it is used or may be used, occupied or maintained.

Use, Accessory. A use of a building, lot or portion thereof, which is customarily incidental and subordinate to the principal use of the main building or lot.

Use, Permitted. A use which is permitted outright in a zone in accordance with §6.1 *Residential Zones Use Schedules* and §6.2 *Business Zones, Industrial Zones and Other Non-residential Zones Use Schedule*.

Urban Core Living Unit. A dwelling unit located in the B-1 Zone.

Variance. A variance is a relaxation of the terms of the Zoning Code where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of this Code would result in unnecessary and undue hardship. As used in this Code, a variance is authorized only for height, area, and size of structure or size yards and open spaces; establishment or expansion of a use otherwise prohibited shall not be allowed by variance, nor shall a variance be granted because of the presence of non-conformities in the zoning district or uses in an adjoining zoning district.

Walking Distance. The distance between an outside entrance to a building or part thereof or to an outdoor use, and a parking space assigned to such building, part thereof, or outdoor use, along the shortest, more convenient pedestrian walkway open to the user or users of such parking space.

Yard. An open space other than a court, on a lot, unoccupied and unobstructed from the ground upward except as otherwise provided in this Code.

Yard, Front. A yard extending the full width of the lot, the depth of which is the minimum horizontal distance between the front lot line and a line parallel thereto on the lot.

Yard, Front-How Measured. Such depth shall be measured from the right-of-way line of the existing street on which the lot fronts (the front lot line).

Yard, Rear. A yard extending across the full width of the lot, the depth of which is the minimum distance between the rear lot line and a line parallel thereto on the lot.

Yard, Side. A yard extending from the front yard to the rear yard, the width of which is the minimum horizontal distance between the side lot line and a line parallel thereto on the lot.

Zone. An area within which certain uses of land and buildings are permitted and certain others are prohibited; yards and other open spaces are required; lot areas, building height limits, and other requirements are established; all of the foregoing being identical for the zone in which they apply.

Zoning Commission. Planning and Zoning Commission of the City of Middletown.

Zoning Map. The Zoning Map or Maps of the City of Middletown.

## Article II. Zoning Districts

### §2.1 **RPZ- Residential Pre-Zoning.**

1. *Description.*
2. *Uses.* Uses are limited to those shown in §6.1 *Residential Zones Use Schedules.*
3. *Area, Yard, and Bulk Requirements.*

Lot Size:	15,000 sq. ft. minimum.
Frontage:	100 ft. minimum. (See §2.1.4 <i>Additional Requirements</i> )
Front Yard:	25 ft. minimum.
Rear Yard:	30 ft. minimum.
Side Yard:	10 ft. minimum.
Building Coverage:	25% maximum.
Height:	3 stories or 36 ft. maximum.

4. *Additional Requirements.*
  1. **Modification of Lot Sizes and Uses in the RPZ Zone.**
    1. New lots in the RPZ zone, along existing City streets and new streets, may be approved, by special exception, to have substantially similar frontage and areas as other lots within the RPZ zone provided all new lots are serviced by both City water and sanitary sewer. No new lot shall have a frontage of less than 50 ft. nor an area of less than 5,000 sq. ft. Side yards shall not be less than 10% of the street frontage with a minimum side yard of five feet, except that one side yard shall not be less than 10 ft. The use of lots created using this section shall be limited to single-family residential.
    2. The Commission may approve a two-family dwelling on a lot of record as a Special Exception. (See §5.6.8.29 *Two-Family or Single-Family Dwellings on Lots of Record in an RPZ Zone*)
  2. **Water and Sewer Requirements.** When in accordance with the *Plan of Conservation and Development* all new subdivisions of lots shall be served by city water and sewer unless specifically excluded herein after.
  3. **Off-Street Parking.** Off-street parking spaces and related provisions shall be in accordance with §4.19 *Off-Street Parking and Off-Street Loading.*

### §2.2 **R-15.**

1. *Description.*

2. *Uses.* Uses are limited to those shown in §6.1 Residential Zones Use Schedules.

3. *Area, Bulk, and Yard Requirements.*

Lot Size:	15,000 sq. ft. minimum.
Frontage:	100 ft. minimum. (See §2.2.4.1 Water and Sewer Requirements)
Front Yard:	25 ft. minimum.
Rear Yard:	30 ft. minimum.
Side Yard:	10 ft. minimum.
Building Coverage:	25% maximum.
Height:	3 stories or 36 ft. maximum.

4. *Additional Requirements.*

1. Water and Sewer Requirements. When in accordance with the *Plan of Conservation and Development* all new subdivisions of lots shall be served by city water and sewer unless specifically excluded herein after. At the discretion of the Commission:
  1. Lots in may be established without city sewer, provided they meet the size criteria for lots in the R-45 zone as to adequately support private well and or septic system.
  2. Lots may be established without city water provided they can be serviced with city sewer and are approved by both the Department of Water and Sewer and the Department of Health. Private wells will be considered only if city water is determined to be unavailable (§19-13-B51 of the Connecticut Public Health Code).
2. Off-Street Parking. Off-street parking spaces and related provisions shall be in accordance with §4.19 Off-Street Parking and Off-Street Loading.

## §2.3 R-30.

1. *Description.*

2. *Uses.* Uses are limited to those shown in §6.1 Residential Zones Use Schedules.

3. *Area, Bulk, and Yard Requirements.*

Lot Size:	30,000 sq. ft. minimum.
Frontage:	150 ft. minimum. (See §2.3.4.1 Water and Sewer Requirements)
Front Yard:	40 ft. minimum.
Rear Yard:	30 ft. minimum.
Side Yard:	15 ft. minimum.

Building Coverage:	25% maximum.
Height:	3 stories or 36 ft. maximum.

4. *Additional Requirements.*

1. Water and Sewer Requirements. When in accordance with the *Plan of Conservation and Development* all new subdivisions of lots shall be served by city water and sewer unless specifically excluded herein after. At the discretion of the Commission:
  1. Lots in may be established without city sewer, provided they meet the size criteria for lots in the R-45 zone as to adequately support private well and or septic system.
  2. Lots may be established without city water provided they can be serviced with city sewer and are approved by both the Department of Water and Sewer and the Department of Health. Private wells will be considered only if city water is determined to be unavailable (§19-13-B51 of the Connecticut Public Health Code).
2. Off-Street Parking. Off-street parking spaces and related provisions shall be in accordance with §4.19 *Off-Street Parking and Off-Street Loading*.

**§2.4 R-45.**

1. *Description.*
2. *Uses.* Uses are limited to those shown in §6.1 *Residential Zones Use Schedules*.
3. *Area, Bulk, and Yard Requirements.*

Lot Size:	45,000 sq. ft. minimum.
Frontage:	200 ft. minimum.
Front Yard:	50 ft. minimum.
Rear Yard:	30 ft. minimum.
Side Yard:	20 ft. minimum.
Building Coverage:	25% maximum.
Height:	3 stories or 36 ft. maximum.

4. *Additional Requirements.*

1. Water and Sewer Requirements. When in accordance with the *Plan of Conservation and Development* all new subdivisions of lots shall be served by city water and sewer unless specifically excluded herein after. Lots may have uses served by on site water and septic systems if the Department of Health certifies, at the time the lots are authorized by the Commission, that the soil of the lots is suitable for on site water and sewer facilities.

2. Off-Street Parking. Off-street parking spaces and related provisions shall be in accordance with §4.19 *Off-Street Parking and Off-Street Loading*.

## **§2.5 R-60.**

1. *Description.*
2. *Uses.* Uses are limited to those shown in §6.1 *Residential Zones Use Schedules*.
3. *Area, Bulk, and Yard Requirements.*

Lot Size:	60,000 sq. ft. minimum.
Frontage:	200 ft. minimum.
Front Yard:	50 ft. minimum.
Rear Yard:	30 ft. minimum.
Side Yard:	20 ft. minimum.
Building Coverage:	25% maximum.
Height:	3 stories or 36 ft. maximum.

4. *Additional Requirements.*
  1. Water and Sewer Requirements. When in accordance with the *Plan of Conservation and Development* all new subdivisions of lots shall be served by city water and sewer unless specifically excluded herein after. Lots may have uses served by on site water and septic systems if the Department of Health certifies, at the time the lots are authorized by the Commission, that the soil of the lots is suitable for on-site water and sewer facilities.
  2. Off-Street Parking. Off-street parking spaces and related provisions shall be in accordance with §4.19 *Off-Street Parking and Off-Street Loading*.

## **§2.6 R-1- Restricted Residence Zone.**

1. *Description.* This zone is composed of certain land so situated as to be suitable for a certain quiet low-density residential area. Accordingly, the codes for this zone are designed to stabilize and protect the essential characteristics of the zone, to promote and encourage a suitable environment for family life and to provide certain enumerated non-residential activities that make a complete neighborhood. To these ends development is limited to a relatively low concentration and permitted uses are limited basically to single detached dwelling units plus certain additional uses such as schools, churches, park lands and certain non-residents of the zone plus public institutions.
2. *Uses.* No land shall be used or occupied and no structure shall be erected, constructed, reconstructed, altered or used, except for any use which is

indicated in the R-1 columns of the §6.1 *Residential Zones Use Schedules* and shall be subject to such provisions as referred to in that column.

3. *Area, Bulk, and Yard Requirements.*

1. *Dwellings with sewer and water.*

Lot Size:	15,000 sq. ft. minimum.
Width:	100 ft. minimum.
Front Yard:	25 ft. minimum.
Rear Yard:	30 ft. minimum.
Side Yard:	10 ft. minimum. Sum of Widths: 30 ft. minimum.
Building Coverage:	25% maximum.
Height:	3 ½ stories maximum.

2. *Dwellings without sewer and water.*

Lot Size:	40,000 sq. ft. minimum.
Width:	200 ft. minimum.
Front Yard:	25 ft. minimum.
Rear Yard:	30 ft. minimum.
Side Yard:	10 ft. minimum. Sum of Widths: 30 ft. minimum.
Building Coverage:	25% maximum.
Height:	3 ½ stories maximum.

3. *Rear Lots.*

Lot Size:	15,000 sq. ft. minimum.
Width:	25 ft. minimum.
Front Yard:	50 ft. minimum.
Rear Yard:	60 ft. minimum.
Side Yard:	20 ft. minimum. Sum of Widths: 60 ft. minimum.
Building Coverage:	25% maximum.
Height:	3 ½ stories maximum.

4. *Other permitted uses with sewer and water.*

Lot Size:	20,000 sq. ft. minimum.
Width:	100 ft. minimum.
Front Yard:	25 ft. minimum.
Rear Yard:	30 ft. minimum.
Side Yard:	10 ft. minimum. Sum of Widths: 30 ft. minimum.
Building Coverage:	25% maximum.
Height:	3 ½ stories.

5. *Other permitted uses without sewer and water.*

Lot Size:	40,000 sq. ft. minimum.
Width:	200 ft. minimum.

Front Yard:	25 ft. minimum.
Rear Yard:	30 ft. minimum.
Side Yard:	10 ft. minimum. Sum of Widths: 30 ft. minimum.
Building Coverage:	25% maximum.
Height:	3 ½ stories maximum.

4. *Additional Requirements.*

1. Off-Street Parking and Off-Street Loading Requirements. Off-street parking and off-street loading shall be provided in connection with any use in this zone in accordance with the provisions of *§4.19 Off-Street Parking and Off-Street Loading*.
2. Requirements for Lots without either Water and/or Sewer. The requirements for lots with neither water and/or sewer facilities shall apply to all zones which permit detached single-family dwelling and further, the requirements for lots without public sewer or water facilities for 200 ft. of width may be modified by the Commission if:
  1. Only one residential building lot is proposed;
  2. The lot area is one acre or more;
  3. The lot is the final lot that could be established from a larger parcel;
  4. Any other lots established from the parcel met or will meet frontage requirements.
3. Rear lots by special exception. Rear lots are a special exception use unless included as part of a new subdivision. See *§4.19.4 Quantity of Parking Spaces*.

**§2.7 M- Zone.**

1. *Description.*
2. *Uses.* Uses in these zones are limited to those shown in *§6.1 Residential Zones Use Schedules*. The geographic locations of the zones are shown on the official zoning map.
3. *Area, Bulk, and Yard Requirements.*

Lot Size:	Minimum Lot Sizes shall be in accordance with the number of bedrooms per unit in a proposed project as shown below: One or no bedrooms: 4,356 sq. ft./Unit Two bedrooms: 5,445 sq. ft./Unit Three or more bedrooms: 7,260 sq. ft./Unit
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Frontage:	The minimum lot frontage for new lots shall be 100 ft. with a minimum lot area of 15,000 sq. ft.
Front Yard:	25 ft. minimum.
Rear Yard:	One foot for each foot of wall height except that no yard shall be less than 10 ft.
Side Yard:	One foot for each foot of wall height except that no yard shall be less than 10 ft.
Building Coverage:	50% maximum.
Height:	The maximum height of multi-family structures in these zones shall be eight stories, which shall not exceed 100 ft. Maximum height for single and two-family dwellings shall be 36 ft.

4. *Additional Requirements.*

1. Off-Street Parking. Off-street parking spaces and related provisions shall be in accordance with *§4.19 Off-Street Parking and Off-Street Loading.*
2. Setbacks for single and two-family dwellings shall comply with the R-15 Codes.
3. Within an existing M Zone the Commission may approve a reduction of the area required per dwelling unit for a parcel of land less than one acre in area that is contiguous to a parcel of land, 20 ac. or more in size which is currently occupied with dwelling units, with the result that the small parcel may be developed with dwelling units equal in density as the existing large development. All other site requirements in the Code shall continue to apply to the new development.

**§2.8 DVD- Downtown Village District Zone.**

1. *Description.* The purpose of this code is to protect the distinctive character, landscape, and historic structures within said district. It is the intent of this code to encourage the conversion, conservation and preservation of existing buildings and sites in a manner that maintains the historic and/or unique character of the district and to promote traditional neighborhood design for new construction to ensure compatibility.
2. *Authority.* This code is adopted pursuant to Public Act 98-116, as amended, an Act Concerning Village Districts, and is authorized by *§8-2 of the Connecticut General Statutes.*
3. *Applicability.* These codes shall pertain to: New construction and substantial, as determined by staff, reconstruction and rehabilitation of properties within the district and in view from public roadways including but not limited to:

1. The design and placement of buildings;
2. The design, paving materials and placement of public roadways; and
3. Other elements that the Approving Authority staff deems appropriate to maintain and protect the character of the DVD.
4. *Review.* Applications for permitted uses shall be treated as a §5.5.3.3 Category 3. Applications for Special Exception uses shall be treated in accordance with §5.6 Special Exceptions and §8-2 of the Connecticut General Statutes. Only construction expanding the existing footprint by more than 20% shall require the submission of an A-2 survey.
5. *Advisory Opinion.* All applications for construction and substantial reconstruction within the district and in view from the public roadway shall be subject to an advisory review and recommendation by the Middletown Design Review Preservation Board. The report and recommendation shall be entered into the public record and considered in the decision. The Approving Authority may seek other reports and recommendations in accordance with §5.5 Site Plans.
6. *Approval.* The Approving Authority shall state on the record the reasons for any decision and if the Approving Authority denies an application, it shall cite the specific codes under which the application was denied.
7. *Uses.* Uses within the DVD shall be limited to single- and two-family homes. Churches, daycare centers and public libraries are permitted by Special Exception. Non-residential or business uses in excess of 7,500 sq. ft. that currently exist (12/10/03) in the DVD District shall be deemed as permitted uses and allowed to expand up to 100% of their current size while maintaining their current use. Furthermore, these structures shall comply with §2.23 ID-Institutional Development Zone.

8. *Area, Bulk, and Yard Requirements.*

Lot Size:	No requirement.
Frontage:	No requirement.
All Yards:	Yard requirement is that any building shall have yards sufficient to insure proper design and placement of buildings as determined in the site plan review process and shall generally adhere to the setbacks of surrounding properties which are in keeping with the historic layout of the neighborhood.
Building Coverage:	No requirement.
Height:	3 stories or 36 ft. maximum.

9. *Additional Requirements.*

1. The Approving Authority shall follow the “Connecticut Historical Commission – The Secretary of the Interims Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings.”
2. Applications shall demonstrate the following:
  1. That proposed buildings or modifications to existing buildings are harmoniously related to their surroundings, to the terrain and to the use, scale and architecture of existing buildings in the vicinity that have a functional or visual relationship to a proposed building or modification,
  2. That all spaces and structures visible to the public from public roadways are designed to add to the visual amenities of the area consistent with those of the village district in and around the proposed building or modification,
  3. That the color, size, height, proportion of openings, roof treatments, building materials and landscaping of commercial or residential property and any proposed signs and lighting be evaluated for compatibility with the local architectural motif and the maintenance of views, historic buildings, monuments and landscaping, and
  4. That the removal or disruption of historic traditional or significant structures or architectural elements are minimized.
3. All development in the village district shall be designed to achieve the following compatibility objectives:
  1. The building and layout of buildings and included site improvements shall reinforce existing buildings and streetscape patterns and the placement of buildings and included site improvements shall assure there is no adverse impact on the district;
  2. Proposed streets shall be connected to the existing district road network, wherever possible;
  3. Open spaces within the proposed development shall reinforce open space patterns of the district in form and siting;
  4. Locally significant features of the site such as distinctive buildings or vistas shall be integrated into the site design;
  5. The landscape design shall complement the district’s landscape patterns;
  6. The exterior signs, site lighting and accessory structures shall support a uniform architectural theme if a theme exists and be compatible with their surroundings; and

7. The scale, proportions, massing and detailing of any proposed building shall be in proportion to the scale, proportion, massing and detailing in the district.
4. The Approving Authority shall consider the design, relationship and compatibility of structures, plantings, signs, roadways, street hardware and other objects in public view.
10. *Effective Date.* No decision shall be effective until a copy thereof, certified by the Chairman, containing the name of the owner of record, a description of the premises to which it relates and specifying the reasons for its decision is recorded on the land records.

**§2.9 PRD- Planned Residential Development Zone.**

1. Presently designed P.R.D.'s may be completed in accordance to previously filed plans of development except that subsequently adopted environmentally sensitive area codes (wetlands) and requirements and limitations related to public safety and health shall be adhered to.
2. Status of Approved Planned Residential Developments and Applications Filed Prior to September 2, 1972.
  1. Planned Residential Development Plans approved and all applications submitted for approval prior to September 2, 1972, shall be subject to, completed and processed under the requirements of §45 as it existed on the above date. Copies of Zoning Code §45, pertaining to Planned Residential Development are available in the Office of the Commission and the Office of the Town Clerk.
  2. Planned Residential Developments approved and processed under the terms of §45 shall not be considered non-conforming uses regardless of the zone or zones in which it is located.

**§2.10 MXR- Mixed Use Residential Zone.**

1. *Description.* The zone shall preserve traditional residential development patterns while allowing for a limited mix of uses that provide goods and services that support the local neighborhood.
2. *Uses.* Use of land and buildings shall be in accordance with §6.3 *Mixed Use Zones Use Schedule.*
3. *Area, Bulk, and Yard Requirements.*

Lot Size:	No requirement.
Frontage:	50 ft. minimum.
Front Yard:	10 ft. minimum.

Rear Yard:	25 ft. minimum.
Side Yard:	10 ft. minimum.
Building Coverage:	10 ft. minimum.
Impervious Coverage:	90% maximum.
Height:	2 stories minimum; 3 stories maximum; 36 ft. maximum.

4. *Additional Requirements.*

1. No proposal shall result in the demolition of any inventoried building identified in the City of Middletown "A Survey of Historical and Architectural Resources- 2005" prepared by the Greater Middletown Preservation Trust (Volumes I- IV). Any and all changes to any inventoried building shall be in keeping with its historic character.
2. Parking & Loading. Off-street parking spaces and off-street loading spaces shall be provided in accordance with §4.19 *Off-Street Parking and Off-Street Loading*.
3. No parking spaces shall be located between the front building facade and the front property line.
4. Street trees with a minimum caliper of 3.0 in. shall be planted every 25 ft along the street right of way(s), preferably between the edge of road and the sidewalk.
5. Signage. Signage shall be installed in accordance with §4.18 *Signs*.
6. Multi-family uses with seven units or more shall comply with the requirements of the M zone.

**§2.11 MXC- Mixed Use Commercial Zone.**

1. *Description.* The zone shall provide flexibility in the mix of use that provide goods and services that support the local neighborhood and provides for an array of housing options.
2. *Uses.* Use of land and buildings shall be in accordance with §6.3 *Mixed Use Zones Use Schedule*.
3. *Area, Bulk, and Yard Requirements.*

Lot Size:	No requirement.
Frontage:	No requirement.
Front Yard:	10 ft. minimum.
Rear Yard:	25 ft. minimum.

Side Yard:	10 ft. minimum.
Building Coverage:	50% maximum.
Impervious Coverage:	75% maximum.
Height:	2 stories minimum; 3 stories maximum; 36 ft. maximum. One-story or a building less than 20 ft. in height may be permitted by special exception.

4. *Additional Requirements.*

1. Residential units in mixed-used buildings shall be above the first floor.
2. Building(s) shall be oriented to the street.
3. Signage. Signage shall be installed in accordance with *§4.18 Signs*.
4. Non-residential uses on the first floor shall have window facing the front property and shall not be obstructed from view from the street or other pedestrian or parking areas with window films, tints, shades, landscaping or other obstructions.
5. Bike racks shall be required as part of the development and be sited near business entrances.
6. Pedestrian amenities shall be considered and may be required, such as benches or public art.
7. Natural features shall be enhanced, preserved and incorporated into the development to the extent possible. Large trees shall be preserved to the extent possible.
8. Street trees with a minimum caliper of 3.0 in. shall be planted every 25 ft. along the street right of way(s), preferably between the edge of road and the sidewalk.
9. Parking & Loading.
  1. Off-street parking spaces and off-street loading spaces shall be provided in accordance with *§4.19 Off-Street Parking and Off-Street Loading*.
  2. Parking shall be oriented to the rear or side of the structure
  3. Parking may be allowed between the front of the structure and the street if this design can increase pedestrian activity and the parking stalls are placed along the building.
  4. Any parking area accommodating 15 or more cars shall provide landscape areas consisting of curbed islands, peninsulas or medians within the parking lot equal to at least 15% of the gross

paved parking lot area. Curbed islands, peninsulas shall include the planting of at least one tree with a minimum caliper of 3.0 in. Landscape medians shall be landscaped with street with a minimum caliper of 3.0 in. every 25 ft.

10. Multi-family uses with seven units or more shall comply with the requirements of the M zone.

#### **§2.12 MXI- Mixed Use Industry Zone.**

1. *Description.* The zone shall provide flexibility in the mix of use including residential, commercial, and industrial uses that provide goods, services, and employment opportunities that fits into the traditional development patterns of the area.
2. *Uses.* Use of land and buildings shall be in accordance with §6.3 *Mixed Use Zones Use Schedule.*

3. *Area, Bulk, and Yard Requirements.*

Lot Size:	No requirement.
Frontage:	No requirement.
Front Yard:	10 ft. minimum.
Rear Yard:	10 ft. minimum.
Side Yard:	10 ft. minimum.
Building Coverage:	50% maximum.
Impervious Coverage:	90% maximum.
Height:	6 stories maximum.

4. *Additional Requirements.*

1. Parking & Loading. Off-street parking spaces and off-street loading spaces shall be provided in accordance with §4.19 *Off-Street Parking and Off-Street Loading.*
2. Street trees with a minimum caliper of 3.0 in. shall be planted every 25 ft. along the street right of way(s), preferably between the edge of road and the sidewalk.
3. Any parking area accommodating 15 or more cars shall provide landscape areas consisting of curbed islands, peninsulas or medians within the parking lot equal to at least 15% of the gross paved parking lot area. Curbed islands, peninsulas shall include the planting of at least one tree with a minimum caliper of 3.0 in. Landscape medians shall be landscaped with street with a minimum caliper of 3.0 in. every 25 ft.

4. Signage. Signage shall be installed in accordance with *§4.18 Signs*.
5. Multi-family uses with seven units or more shall comply with the requirements of the M zone.

### **§2.13 B-1- Central Business Zone.**

1. *Description*. This zone is composed and limited to the downtown retail area. It is recognized that within this zone there are three unique classes of structures:
  1. Class A. Structures are those located along Main Street and
  2. Class B. Structures are located in the Central Business Zone that are not Class A or Class C structures.
  3. Class C. Structures are those located along Spring Street, Grand Street, Liberty Street, Wetmore Place, Broad Street, Old Church Street, Union Street, DeKoven Drive south of Union Street and Washington Street west of Wetmore Place.

The zone provides for the central retail, cultural and governmental activities of the community. Accordingly, these codes are designed to permit retail development in the core of the community where there is a concentration of pedestrian activity. To these ends the codes establish standards retaining such intensity of use and concentration of pedestrian and vehicular as is compatible with the function of this zone.

2. *Uses*. No land shall be used or occupied and no structure shall be erected, constructed, reconstructed, altered or used, except for any use which is indicated in *§6.2 Business Zones, Industrial Zones and Other Non-residential Zones Use Schedule* and shall be subject of such provisions as referred to in that column. Further, the front 50% of the ground floor space of buildings fronting on Main Street shall be restricted to the following permitted uses: Eating and Drinking Places, Entertainment, Restaurants, Retail Business, Retail Sales, Retail Services, and Theaters. Any other use allowed in the B-1 zone in *§6.2 Business Zones, Industrial Zones and Other Non-residential Zones Use Schedule* proposed for the front 50% of the ground floor space of buildings fronting on Main Street shall be a Special Exception Use. Cafeterias are not permitted as accessory uses in this zone and exterior gates are prohibited.

3. *Area, Bulk, and Yard Requirements.*

Lot Size:	No requirement.
Frontage:	No requirement.
Front Yard:	Class A: 5 ft. maximum. Class B: No requirement. Class C: 10 ft. maximum.
Rear Yard:	No requirement.
Side Yard:	No requirement.



Building Coverage:	No requirement.
Height:	Class A: 35 ft. minimum; 6 stories maximum. Class B: 2 stories minimum; 12 stories maximum. Class C: 2 stories minimum; 6 stories maximum.
Building Width:	Class A: 80% of the lot frontage width minimum. Class B: 50% of the lot frontage width minimum. Class C: 80% of the lot frontage width minimum.

4. *Additional Requirements.*

1. No Class A building fronting on Main Street shall be demolished, unless reconstructed to a height less than its previous height, or the minimum 35 ft., whichever is greater.
2. Class C buildings shall require that any story above the fourth be set back 15 ft. from the front building façade.
3. Off-Street Parking and Off-Street Loading Requirements.
  1. Off-street parking and off-street loading shall be provided in connection with any use in this zone in accordance with the provisions of *§4.19 Off-Street Parking and Off-Street Loading*. In addition, requirements for the provision of parking facilities may be satisfied by the permanent allocation of the required number of spaces for each use in a common parking facility, cooperatively established and operated.
  2. The total number of spaces so provided may be reduced provided that such reduction is approved by the Commission upon a finding by them that such reduction is justified on the basis of common patrons, overlapping peak needs, and existing public parking facilities.
  3. There shall be no driveway access of parking lot fronting on Main Street.
  4. Parking facilities shall be setback a minimum 40 ft. from the front property line.
4. New Construction Requirements. No new building shall be erected, or constructed along Main Street, except with an entrance on Main Street. No new building shall be erected, or constructed along Main Street, except where the amount of area taken up by windows and doors shall be greater than 60% of the first floor facade area. No new building shall be erected, or constructed along Main Street, except where the amount of area taken up by windows shall be greater than 25% of the upper floor(s) facade area. The use of dormers above the roof line is encouraged.

5. Design Review. Advisory opinion from Design Review Board shall be submitted with site plan and special exception application for the construction of new buildings larger than 5,000 sq. ft.

#### §2.14 **B-2- General Business Zone.**

1. *Description*. This zone is composed of certain land along the main highways. This zone comprises certain land and structures used not only to provide the residents of this community with retailing and personal services, but to extend these services to the surrounding rural areas. Accordingly, these codes are designed to permit retail development, limited by standards designed to protect the abutting or surrounding residential zones. To these ends, the codes establish standards retaining such intensity of use and concentration of vehicles as is compatible with the function of this zone.
2. *Uses*. No land shall be used or occupied and no structure shall be erected, constructed, reconstructed, altered or used, except for any use which is indicated in the B-2 column in §6.2 *Business Zones, Industrial Zones and Other Non-residential Zones Use Schedule*, and shall be subject to such provisions as referred to in that column.

3. *Area, Bulk, and Yard Requirements.*

Lot Size:	No requirement.
Frontage:	50 ft. minimum. No frontage is required for a parcel of land in a shopping center provided that access via an easement of not less than 30 ft. is available from a public street with a traffic light at the shopping center entrance. No other access shall be regularly used.
Front Yard:	50 ft. minimum.
Rear Yard:	10 ft. minimum.
Side Yard:	10 ft. minimum.
Building Coverage:	Each main building or structure hereafter erected, together with its accessory buildings or structures, shall not cover more than 30% of the net lot area.
Height:	3 ½ stories.

4. *Additional Requirements.*

1. Off-Street Parking and Off-Street Loading Requirements. Off-street parking and off-street loading shall be provided in connection with any use in this zone in accordance with the provisions of §4.19 *Off-Street Parking and Off-Street Loading*.

2. Landscaping. A landscaping plan which identifies the location of all landscaped islands and the types of species within the islands shall be submitted with the application materials.
  1. Street trees will be planted along the public frontage at 25 ft. intervals.
  2. Parking Lots will have landscaped islands with trees. For every 10 parking spaces, there will be one tree.
  3. Interior driveways will be landscaped and lined with trees.
  4. Entrances from a City Street should be designed as landscaped boulevard with trees.
  5. The Middletown Design Review and Preservation Board Landscaping Guidelines shall be consulted for species selection.
3. Pedestrian Amenities. Sidewalks and crosswalks will allow access for pedestrians from the City Street to the entrance of the building or buildings. One bicycle rack will be installed near the entrance to the building.

**§2.15 NPC- Newfield Street Corridor Zone.**

1. *Description.* The purpose of this zone is to establish a district of compatible land uses along the area of the Newfield Street Corridor, which is already business industrial and retail in character. Development within this zone shall be in general conformance with the Newfield St./Rt. 3 Corridor study, which has been prepared and adopted as part of the *Plan of Conservation and Development* pursuant to §8-23 of the *Connecticut General Statutes*. The uses shall be planned and located so they do not generate large volumes of traffic and do not negatively impact surrounding residential areas. This zone will help to encourage the most appropriate use of land in the most aesthetically pleasing manner while avoiding the negative aspects of strip commercial development by limiting signage and other distractions to the motorist, limiting curb cuts and promoting the consolidation of individual parcels of land into a total integrated plan.
2. *Uses.* No land shall be used or occupied and no structure shall be erected, constructed, reconstructed, altered or used, except for any use which is indicated in the NPZ column in §6.2 *Business Zones, Industrial Zones and Other Non-residential Zones Use Schedule*, and shall be subject to such provisions as referred to in that column. Single-family homes, multi-family homes, automotive repair, liquor stores and gas stations in existence prior to the effective date of this section shall be considered permitted uses. Any change in use of an existing building from residential to another permitted use shall require the submission of a full site plan demonstrating that the site can satisfy all relevant Zoning Code provisions.

3. *Area, Bulk, and Yard Requirements.* Lots of record qualify for both permitted and special exception uses provided they satisfy all other zoning criteria. During the special exception and site plan review process the Commission may waive or modify the yard and building coverage requirements so as to insure proper design and placement of buildings.

Lot Size:	30,000 sq. ft. minimum.
Lot Width:	150 ft. minimum.
Front Yard:	50 ft. minimum.
Rear Yard:	30 ft. minimum.
Side Yard:	10 ft. minimum.
Building Coverage:	30% maximum.
Height:	50 ft. maximum.

4. *Additional Requirements.*

1. Front Yards. A minimum of 50% of the front yard shall be landscaped.
2. Traffic Impacts. Uses and additions to uses which generate 100 peak hour vehicle trips or more based on the ITE trip generation tables shall be subject to the following:
  1. Submission of a traffic impact analysis by a traffic engineer containing present roadway conditions, existing roadway capacity, existing and projected traffic volumes (ADT, Peak A.M. and Peak P.M.) existing and projected volume capacity ratios, existing and projected levels of service, existing and proposed sight lines, site generated traffic distributions, traffic accident experience, and all on-and-off-site improvements which will help mitigate anticipated traffic problems.
3. Signs. In addition to §4.18 *Signs* the following more restrictive standards shall apply:
  1. *Attached Wall Signs:* In a single tenant building the number of signs shall not exceed three and the sum of the area shall equal one sq. ft. per lineal foot of building frontage and no sign shall exceed 200 sq. ft. In a multi-tenant building each tenant is allowed one wall sign equal to one sq. ft. per lineal foot of store frontage and no sign shall exceed 100 sq. ft.
  2. *Detached Identification Signs:* One sign per lot, or consolidated parcel, not exceeding 12 sq. ft. in area for an individual lot and 24 sq. ft. for a consolidated parcel and not exceeding 10 ft. in height. Such sign shall be for identification of an occupant, building or complex.
  3. *Temporary Signs:* No temporary signs or banners are permitted except that temporary banners, balloon signs or pennant signs

advertising a special event may be issued by the Zoning/ Blight Enforcement Officer for not more than 10 consecutive days.

4. Consolidated Parcels. For the purpose of integrated development, any number of contiguous parcels owned by different owners, may be consolidated for the purpose of development and the consolidated parcel shall be construed to be one lot when computing building coverage and yard requirements and permitted uses, provided:
  1. The owner of each lot shall give to the owner of each lot in the consolidated parcel by deed, easement or agreement filed in the Office of the Town Clerk, the right of entrance, exit, passage, parking and loading.
  2. The consolidated parcel shall be developed with an integrated plan of buildings, curb cuts, parking, loading and unloading and open space. The Commission may consider shared parking arrangements for uses when the peak hours for individual uses differ (i.e. nightclub and office, movie theater and dental clinic.)
5. Orderly Traffic Movement. In the absence of consolidated parcels in order to assure future orderly vehicular movement between adjoining parking lots and to assure safe traffic movement onto the street requiring shared points of ingress and egress between lots, the Commission or its staff during the site plan review process may require vehicular cross easements, land dedication, the elimination or narrowing of existing curb cuts and/or combined drives as part of individual development plans and may waive or modify setback requirements to facilitate unified, well planned development.
6. Merchandise and Materials Storage and Display.
  1. Merchandise shall not be stored or displayed, with the exception of car dealers' automobiles, within the required front yard setback.
  2. Parking spaces, with the exception of car dealers and landscaped areas shall not be used for sales, storage, display of goods or advertising purposes of any kind, except for detached signs installed in conformance with these codes.
  3. Sales may be conducted in parking spaces on special promotional days by permit issued by the Zoning/ Blight Enforcement Officer for not more than three consecutive days at a time.
7. Areas for Loading and Unloading. Any lot developed shall provide adequate space for the loading and unloading of goods and materials so located so as to avoid conflict with vehicular movement and shall not be

facing Newfield Street corridor and shall be adequately screened from sight.

8. Illumination. Interior and exterior lighting, including signs, shall not be of such intensity or located or directed in such a way as to produce glare or discomfort on public streets or neighboring properties. All lights shall be directed away from residential zones unless specifically designed to enhance a pedestrian linkage.
9. Landscaping and Buffering. A landscape plan, which identifies the location of all landscaped islands and the types of species within the islands shall be submitted with the application materials.
  1. In order to protect the integrity of residential zones, sufficient buffering shall be required when a property in this zone abuts a residential zone or a potential incompatible land use. Further, no access drive shall cross through, traverse or interrupt the required buffer area.
  2. All screening shall take maximum advantage of existing natural topographical features and existing plantings. In approving any site plan for a new use, which abuts a residential zone screening of one of the following types of buffering shall be required. The Commission or its staff during the site plan review process shall exercise final determination of which option should be pursued:
    1. An earthen berm accompanied with a six feet high evergreen planting on top of the berm.
    2. A six feet high stockade fence on metal fence posts fixed in concrete footings with the side containing the posts facing the B-3 zone, accompanied with a six feet high ever-green planting, at least four feet in width, between such fence and the abutting residential use.
    3. An eight feet high, six feet wide protective planting strip in accordance with specifications established by the Department of Land Use.

**§2.16 I-1- Service Industrial Zone.**

1. *Description.* The zone is composed of certain lands located along major thoroughfares and railroad right-of-ways and adjoining existing residential and commercial areas. Because of the close proximity of well-established industrial uses in this zone to non-industrial uses, proximity of well-established industrial uses in this zone to non-industrial uses, flexibility must be provided to allow such industrial uses to operate with limited restraint while protecting other nearby uses. This zone will provide areas for mixed commercial-industrial uses with the emphasis on industrial uses such as manufacturing, warehousing, building material yards, building agricultural and automobile sales and services, etc.

2. *Uses.* No land shall be used or occupied and no structure shall be erected, constructed, reconstructed, altered or used except for any use which is indicated in the I-1 column in §6.2 *Business Zones, Industrial Zones and Other Non-residential Zones Use Schedule*, and shall be subject to such provisions as referred to in that column.

3. *Area, Bulk, and Yard Requirements.*

Lot Size:	No requirement.
Lot Width:	100 ft. minimum.
Front Yard:	No requirement.
Rear Yard:	No requirement.
Side Yard:	10 ft. minimum.
Building Coverage:	50% maximum, except that 100% may be covered provided that the required off-street parking and off-street loading is available.
Height:	50 ft. maximum.

4. *Additional Requirements.*

1. Off-Street Parking and Off-Street Loading. Off-street parking and off-street loading shall be provided in connection with any use in this zone in accordance with the provisions of §4.19 *Off-Street Parking and Off-Street Loading*.

## **§2.17 I-2- Restricted Industrial Zone.**

1. *Description.* The zone is composed of certain lands so situated as to be suitable for industrial development.
2. *Uses.* No land shall be used or occupied and no structure shall be erected, constructed, reconstructed, altered, or used, except for any use which is shown in I-2 in §6.2 *Business Zones, Industrial Zones and Other Non-residential Zones Use Schedule*, and shall be subject to such provisions as referred to in that column.

3. *Area, Bulk, and Yard Requirements.*

Lot Size:	2 ac. minimum.
Lot Width:	200 ft. minimum.
Front Yard:	75 ft. minimum.
Rear Yard:	25 ft. minimum.
Side Yard:	20 ft. minimum.
Building Coverage:	40% maximum.
Height:	35 ft., unless it sets back from each street and lot line, in addition to yard requirements, two feet for each

	one foot of excess height; but in no case shall it exceed 50 ft. in height, except as provided in §4.8.2 <i>Height Modification</i> and for office buildings which will be permitted up to six stories in height.
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4. *Additional Requirements.*

1. Off-Street Parking and Off-Street Loading. Off-street parking and off-street loading shall be provided in connection with any use in this zone in accordance with the provisions of §4.19 *Off-Street Parking and Off-Street Loading*.
2. Interior Buffer Area. Within the industrial zone a buffer area shall be left between the contiguous sites. The buffer shall take maximum advantage of existing natural topographical features and existing planting. Where these characteristics do not exist provision for screen planting shall be included in site development proposals.

**§2.18 I-3- Special Industrial Zone.**

1. *Description.* The zone is composed of large parcels of land in the Maromas area, which have been used for special industrial purposes. Accordingly, the use of the land is mostly regulated by “performance standards.”
2. *Uses.* No land shall be used or occupied and no structure shall be erected, constructed, reconstructed, altered or used, except for any use which is indicated in the I-3 column in §6.2 *Business Zones, Industrial Zones and Other Non-residential Zones Use Schedule*, and shall be subject to such provisions as referred to in that column.

3. *Area, Bulk, and Yard Requirements.*

Lot Size:	5 ac. minimum.
Lot Width:	200 ft. minimum.
Front Yard:	No requirement.
Rear Yard:	No requirement.
Side Yard:	20 ft. minimum.
Building Coverage:	30% maximum.
Height:	150 ft. maximum.

4. *Additional Requirements.*

1. Off-Street Parking and Off-Street Loading Requirements. Off-street parking and off-street loading shall be provided in connection with any use in this zone in accordance with the provisions of §4.19 *Off-Street Parking and Off-Street Loading*.



**§2.19 I-4- Limited Industrial Zone.**

1. *Description.* The zone is composed of certain lands so situated as to be suitable for industrial development.
2. *Uses.* No land shall be used or occupied and no structure shall be erected, constructed, reconstructed, altered, or used, except for any use which is shown in I-2 in §6.2 *Business Zones, Industrial Zones and Other Non-residential Zones Use Schedule*, and shall be subject to such provisions as referred to in that column.

3. *Area, Bulk, and Yard Requirements.*

Lot Size:	2 ac. minimum.
Lot Width:	200 ft. minimum.
Front Yard:	75 ft. minimum.
Rear Yard:	25 ft. minimum.
Side Yard:	20 ft. minimum.
Building Coverage:	40% maximum.
Height:	35 ft., unless it sets back from each street and lot line, in addition to yard requirements, two feet for each one foot of excess height; but in no case shall it exceed 50 ft. in height, except as provided in §4.8.2 <i>Height Modification</i> and for office buildings which will be permitted up to six stories in height.

4. *Additional Requirements.*
  1. Off-Street Parking and Off-Street Loading. Off-street parking and off-street loading shall be provided in connection with any use in this zone in accordance with the provisions of §4.19 *Off-Street Parking and Off-Street Loading*.
  2. Interior Buffer Area. Within the industrial zone a buffer area shall be left between the contiguous sites. The buffer shall take maximum advantage of existing natural topographical features and existing planting. Where these characteristics do not exist provision for screen planting shall be included in site development proposals.

**§2.20 IRA- Industrial Redevelopment Area Zone.**

1. *Description.* The IRA zone will preserve Middletown's existing and limited industrial development areas, and encourage the rehabilitation and re-use of the land and buildings for job and tax generating industrial uses. The zone is composed of longstanding industrial uses, and is adjacent to residential and commercial uses. The area(s) are self-contained and well-defined by existing

roadways and railroad ROW's. In the zone, older industrial buildings occupy the site(s) and pose industrial rehabilitation opportunities.

2. *Uses.* Permitted uses are those indicated in §6.2 *Business Zones, Industrial Zones and Other Non-residential Zones Use Schedule.*

3. *Area, Bulk, and Yard Requirements.*

Lot Size:	No requirement.
Lot Width:	100 ft. minimum.
Front Yard:	No requirement.
Rear Yard:	No requirement.
Side Yard:	10 ft. minimum.
Building Coverage:	50% maximum, except that 100% may be covered provided that the required off-street parking and off-street loading is available.
Height:	50 ft. maximum.

4. *Additional Requirements.*

1. Off-Street Parking and Off-Street Loading Requirements. Off-street parking and off-street loading shall be provided in connection with any use in this zone in accordance with the provisions of §4.19 *Off-Street Parking and Off-Street Loading.*

## **§2.21 IT- Interstate Trade Zone.**

1. *Description.* The zone is designated for development of certain industrial and business uses in close proximity to the Interstate Highway.
2. *Uses.* Permitted uses are those indicated in §6.2 *Business Zones, Industrial Zones and Other Non-residential Zones Use Schedule.*

3. *Area, Bulk, and Yard Requirements.*

Lot Size:	2 ac. minimum.
Lot Width:	200 ft. minimum.
Front Yard:	75 ft. minimum.
Rear Yard:	25 ft. minimum.
Side Yard:	20 ft. minimum.
Building Coverage:	40% maximum.
Height:	50 ft. in height except office buildings and conference center complexes, which may be up to six stories in height. Other height modifications are noted in §4.8.2 <i>Height Modification.</i>

4. *Additional Requirements.*

1. Perimeter Buffer Area. Whenever a lot in this zone adjoins a lot in a residential zone, there shall be a 60 ft. buffer in addition to the required yard or yards, and a buffer strip, as provided in *§4.7.1 Buffer Between Different Land Uses*.
2. Interior Buffer Area. Within this zone, a buffer area shall be left between contiguous sites. The buffer shall take maximum advantage of existing natural topographical features and existing planting. Where these characteristics do not exist provision for screen planting shall be included in site development proposals.

**§2.22 IOP- Interstate Office Park Zone.**

1. *Description.* The zone is designed for the development of business and professional offices along the existing interstate corridor in a park or campus type setting as a gradual transition from residential areas with the retention of open spaces and the preservation of natural features of the area.
2. *Uses.* Business and professional offices. Business uses shall include, but not be limited to, any occupation or trade primarily of a clerical nature such as insurance company, corporate offices or sales offices, but shall not include commercial activities such as the manufacturing or assembling of wares.

3. *Area, Bulk, and Yard Requirements.*

Lot Size:	6 ac. minimum.
Lot Width:	200 ft. minimum.
Front Yard:	50 ft. minimum.
Rear Yard:	50 ft. minimum except that any rear yard abutting any portion of Interstate I-91 or land owned by the State of Connecticut as part of Interstate I-91 may be reduced to a minimum of 10 ft. , and any rear yard abutting a residential zone shall be increased to a minimum of 75 ft.
Side Yard:	75 ft. minimum.
Building Coverage:	20% maximum.
Height:	3 stories maximum.

4. *Additional Requirements.*

1. Accessory Uses. In addition to the permitted uses set forth in §2.22.2 *Uses*, uses customarily incidental to the main or principal building or land use shall be permitted, including accessory uses for the convenience of employees within such buildings, such as, but not limited to, cafeterias and like facilities designed to serve only the occupants of the buildings in

the zone. Conference and meeting facilities, data processing and storage shall be included within the definition of accessory uses.

2. Sideyards. A minimum of 50 ft. of the side yards shall be landscaped and 25 ft. of a minimum side yard adjacent to the building may be used for parking or driveway, if necessary.
3. Landscaping. The purpose of landscaping requirements is to protect and preserve property values through the preservation of existing vegetation and planting of new materials to provide privacy from visual intrusion, light, dirt and noise, and to prevent the erosion of soil.
  1. *Landscaped Areas*. Landscaped areas shall consist of open spaces and shall be maintained in lawn, natural ground cover, plantings and trees and may include walks and drives from a street.
  2. *Front Yards*. At least 25 ft. of the front yard of each lot in the zone shall be landscaped with no less than one and one half inches (1-½) to two inch caliper shade tree for each 50 ft. of street frontage.
  3. *Parking Lots*. Parking lots for more than ten cars shall contain landscaped areas equal to at least 10% of the gross parking area with one and one half (1-½) inch to two (2) inch caliper shade tree for each 15 parking spaces.
  4. *Landscape Buffer*. No fewer than two rows of suitable evergreens of one and one half (1-½) inch to two inch caliper shall be planted 15 ft. apart, staggered in adjoining rows, to provide a visual barrier wherever a lot in this zone adjoins a lot in an R-1 Residential Zone. Where appropriate in the judgment of the Commission, walls and fences may be used in lieu of new plantings. No pedestrian or vehicular access shall be permitted through a landscape buffer area.
  5. *Existing Vegetation*. Existing vegetation, plant material and trees may be used to meet all or part of the landscape requirements, and existing trees in good condition over 12 in. caliper shall be preserved whenever it is practical to do so.
4. Off-Street Parking and Off-Street Loading. Off-street parking and off-street loading shall be provided in connection with any use in this zone in accordance with the provisions of §4.19 *Off-Street Parking and Off-Street Loading*.
5. Signs. Identifying graphic or signs shall be limited to one per building, not more than 200 sq. ft. in area, and subject to all other criteria in §4.18 *Signs*. No roof graphics or signs are permitted.

## §2.23 ID- Institutional Development Zone.

1. *Description.* This zone is intended to permit institutions and their growth and expansion in a planned manner while protecting the surrounding neighborhoods.
2. *Uses.* Permitted land uses in the zones shall be limited to governmental, health, educational, charitable and religious institutions. The facility should be compatible with its setting in scale and design. State buildings within the zone may be leased to the private sector provided the use is compatible with the original institutional setting and the proposed use is reviewed and approved by the Planning and Zoning Commission. Other land in the zone, not used and endorsed by the institution, shall meet the requirements of the MXR zone.

3. *Area, Bulk, and Yard Requirements.*

Building Coverage, Lot Area, width and Yard Requirements:	Where institutional uses extend to several parcels, individual lot requirements are eliminated. Other parcels must meet the requirements of the MXR zones consistent with §2.10 MXR- Mixed Use Residential Zone.
Height:	5 stories or 75 ft.

1. Building Coverage, Lot Area, width and Yard Requirements. Where institutional uses extend to several parcels, individual lot requirements are eliminated. Other parcels must meet the requirements of the MXR zone consistent with §2.10 MXR- Mixed Use Residential Zone.

4. *Additional Requirements.*

1. Site Plan Review- When Required.

1. Site plan review under this section is required in all cases where a site plan is required under §5.5 Site Plans.
2. Application may be made for early review of a preliminary site plan at any time prior to submission of a site plan pursuant to §5.5 Site Plans. The details and conditions of any preliminary site plan approved hereunder shall be included in any final site plan prepared and submitted according to §5.5 Site Plans.

2. Preliminary Site Plan- Requirements and Contents. The Preliminary Site Plan shall include the following information:

1. Property zone boundaries.
2. Location of existing and/or proposed building(s), structure(s) and additions with notation as to approximate square footage and number of stories of each building.
3. Proposed off-street parking and loading including driveway entrances and exits, and diagram of proposed traffic flow.
4. General location and type of proposed landscaping buffers.
5. General topography of the entire site.

6. Location of flood area and stream belts.
7. A location sketch showing the relationship for the site to the balance of property owned by the application in the Institutional Development Zone.
8. Statement describing the proposed use of the planned structure or facility.
9. Statement discussing how the proposed building or development is consistent with an institutional master plan for the area. This master plan shall be on file with the Planning and Zoning Office.
10. Statement discussing how the proposed building is consistent with the *Plan of Conservation and Development*.
11. Drawings of the proposed elevations of proposed buildings.

3. Review Procedure.

1. Any site plan or preliminary site plan subject to review under this section shall be submitted to the Planning and Zoning Office. Within 30 days of such submission the Office shall:
  1. Reject such plan if it does not contain all the information required herein or otherwise does not meet the clear requirements of this Code; or
  2. Refer said plan to the Commission; or
  3. Approve such plan if it clearly meets the requirements of this Code, and the conditions of this section do not require submission to the Commission.
2. The submission of any plan pursuant to this section shall be reported to the Commission at its next meeting immediately following such submission. Any disposition of said submission by the Office shall also be reported to the Commission.
3. Proposed uses consistent with the Campus Masterplan, adopted December 10, 2003, will be treated as a Category 3 site plan review.
4. Where a plan is referred to the Commission, it shall hold a public hearing on any said plan prior to acting on it where the proposed project will have significant impact or major effect on the zone; properties within the zone not owned by the applicant, abutting zones, or the *Plan of Conservation and Development*. For the purpose of this section, significant impact of major effect shall include, but not be limited to:
  1. New construction in excess of 20,000 sq. ft. and greater than two stories; or
  2. Any change resulting in a significant increase in vehicular traffic in the zone and/or adjoining zones (an increase in ADVT of 10% on any City street); or

3. Any change resulting in a significant increase in parking needs in the zone and/or adjoining zones or;
4. Any change which conflicts with the *Plan of Conservation and Development*.
5. In reviewing a site plan hereunder, the Commission shall consider: Whether the plan complies with the *Plan of Conservation and Development*, the demonstrated adverse effect, if any, on the use and development of adjacent properties or adjacent zones; and the demonstrated adverse effects on the flow of traffic in and around the area of the proposed development. The Commission shall consider whether the site plan is compatible with the proposed use and the surrounding neighborhoods and uses. The Commission shall approve, disapprove, or modify said plan. Once a plan is approved or modified, only a final site construction plan under §5.5 *Site Plans* shall be required, provided said construction plan is presented as part of the documents submitted for a building permit within two years of approval.
4. Off- Street Parking and Off-Street Loading Requirements. Parking will be in accordance with the approved Campus Parking Management Plan dated May 22, 2003. Off-street loading shall be provided in accordance with §4.19 *Off-Street Parking and Off-Street Loading*.
5. Signs. Identifying graphics or signs shall be limited in accordance with requirements of §4.19 *Off-Street Parking and Off-Street Loading*.

**§2.24 NRCD- Neighborhood Rural Commercial Development Zone.**

1. *Description.* The purpose of this Zone is to establish a district for small specialty stores, offices, eating places and other compatible land uses which furnish convenience goods and services for the needs of the residents of the area; do not generate large volumes of traffic; are compatible with the surrounding neighborhood; and which are located in buildings of residential design, scale, architecture and exterior materials in order to preserve the residential character of the area.
2. *Uses.* All uses shall be allowed by special exception and shall include:
  1. Small convenience goods stores (including drug, food, dairy, bakery, and alcoholic beverage products).
  2. Business and professional offices.
  3. Small scale sit down dining establishments.
  4. Personal services (i.e. beauty shops, barber shops, laundromats).

5. Residential uses as accessory to permitted.

6. No drive thru businesses permitted.

3. *Area, Bulk, and Yard Requirements.*

Lot Size:	20,000 sq. ft. minimum.
Lot Width:	200 ft. minimum.
Front Yard:	30 ft. minimum.
Rear Yard:	25 ft. minimum.
Side Yard:	25 ft. minimum.
Building Coverage:	2,500 sq. ft. maximum.
Height:	2 stories or 30 ft. maximum.
Building Floor Area:	3,500 sq. ft. maximum, except that the Commission may approve a 50% greater floor area provided that the scale of the enterprise and the bulk of the building is consistent with the purpose of these codes.

4. *Additional Requirements.*

1. Building Design. All Buildings shall be designed by a professional architect licensed in the State of Connecticut and shall be reviewed and recommended with or without prejudice by the Design/Preservation Board prior to submission to the Planning and Zoning Commission.

2. Land Use and Site Development Requirements.

1. *Traffic Impacts.* Uses and additions to uses which generate 100 peak hour vehicle trips or more based on the trip generator table in Appendix I of this Code shall be subject to the follow:  
Submission of a traffic impact analysis by a traffic engineer containing present roadway conditions, existing roadway capacity, existing and projected traffic volumes (ADT, Peak A.M. and Peak P.M.), existing and projected volume capacity ratios, existing and projected levels of service, existing and proposed sight lines, site generated traffic and traffic distributions, traffic accident experience, and all on- and off-site improvements which will help mitigate anticipated traffic problems.

2. *Signs.* In addition to §4.18 *Signs* the following more restrictive standards shall apply:

1. *Attached Wall Signs:* In a single tenant building the number of signs shall not exceed three and the sum of the area shall equal one square foot per lineal foot of building frontage and no sign shall exceed 100 sq. ft. In a multi-tenant building each tenant is allowed one wall sign equal



- to one square foot per lineal foot of store frontage and no sign shall exceed 100 sq. ft.
2. **Detached Identification Signs:** One sign per lot, or consolidated parcel, not exceeding 12 sq. ft. in area for an individual lot and 24 sq. ft. for a consolidated parcel and not exceeding five feet in height. Such sign shall be for identification of an occupant, building or complex.
  3. **Temporary Signs:** No temporary signs or banners are permitted with the exception of signs permitted in *§4.18.2 Design Guidelines* and *§4.18.3 Requirements of Specific Types of Signs*.
  3. **Consolidated Parcels.** For the purpose of integrated development, any number of contiguous parcels may be consolidated for the purpose of development, and the consolidated parcel shall be construed to be one lot when computing building coverage and yard requirements, and permitted uses, provided:
    1. The owner of each lot shall give to the owner of each lot in the consolidated parcel by deed, easement, or agreement filed in the Office of the Town Clerk, the right of entrance, exit, passage, parking and loading.
    2. The consolidated parcel is developed with an integrated plan of buildings, curb cuts, parking, loading and unloading, and open space. The Commission may consider shared parking arrangements for uses when the peak hours for individual uses differ. (i.e., nightclub and office, movie theater and dental clinic)
  4. **Orderly Traffic Movement.** In the absence of consolidated parcels and in order to assure future orderly vehicular movement between adjoining parking lots and to assure safe traffic movement onto the street by requiring shared points of ingress and egress between lots, the Commission or its staff during the site plan review process may require vehicular cross easements as part of individual development plans and may waive or modify setback requirements to facilitate unified, well planned development.
  5. **Merchandise and Materials Storage and Display.** Merchandise shall not be stored or displayed within the required front yard setback. Parking spaces and Landscaped Areas shall not be used for sales, storage, display of goods, or advertising purposes of any kind, except for detached signs installed in conformance with these Codes.
  6. **Areas for Loading and Unloading.** Any lot developed shall provide adequate space for the loading and unloading of goods and

materials so located so as to avoid conflict with vehicular movement and shall be adequately screened from sight.

7. *Illumination.* Interior and exterior lighting, including signs, shall not be of such intensity or located or directed in such a way as to produce glare or discomfort on public streets or neighboring properties. All lights shall be directed away from residential zones unless specifically designed to enhance a pedestrian linkage.
8. *Landscaping and Buffering.* A landscape plan which identifies the location of all landscaped islands and the types of species within the islands shall be submitted with the application materials.
  1. In order to protect the integrity of abutting residential zones, sufficient buffering shall be required when a property in this zone abuts a residential zone or a primarily residential street. Further, no access drive shall cross through, traverse or interrupt the required buffer area.
  2. All screening shall take maximum advantage of existing natural topographical features and existing plantings. In approving any site plan for a new use, which abuts a residential zone screening of one of the following types of buffering shall be required. The Commission or its staff during the site plan review process shall exercise final determination of which option should be pursued:
    1. An earthen berm accompanied with a six feet high evergreen planting on top of the berm.
    2. A six feet high stockade fence on metal fence posts fixed in concrete footings with the side containing the posts facing the B-3 zone, accompanied with a six feet high evergreen planting, at least four feet in width, between such fence and the abutting residential use.
    3. An eight feet high, six feet wide protective planting strip in accordance with specifications established by the Department of Land Use.

#### **§2.25 PL- Park Land Zone.**

1. *Uses.* All uses of Park Land to be controlled by the Park and Recreation Division provided that no alterations shall be made to land involving flood plain areas or streambelts without approval of the Planning and Zoning Commission.

#### **§2.26 RF- Riverfront Recreation Zone.**

1. *Description.* It is the intent of this section to protect the natural character of the Connecticut River Greenway and insure that any development within the zone proceeds in an environmentally sensitive manner. Therefore, tree clearance and other alterations within the zone shall be held to a minimum, as determined by

the Commission. This Zone is composed of the Connecticut River and the strip of land paralleling the river from the northern (at Wilcox Island) to southern municipal boundary. The northern, eastern and southerly boundary is the municipal line. The western boundary, at the northerly end, is the railroad track, which parallels State Highway 9. At Silver Street, at River Road, the 100-year floodplain line becomes the boundary line continuing to a point south of the wetland at the mouth of the Hubbard Brook where the 100-year floodplain line intersects a line 200 ft. west of the centerline of the railroad right of way. Then continuing southerly along that line paralleling the centerline of the railroad right of way until reaching the northern limit of a parcel known as Map 57 Block 50-1 Lot 103 in the City Tax Assessor's office on the effective date of this amendment. The boundary then runs easterly approximately 100 ft. along the northern limit of that parcel to the western limit of the railroad right of way, then south along the western limit of the railroad right of way approximately 1,250 ft. to the southern limit of a parcel known as Map 57 Block 50-1 Lot 110 in the City Tax Assessor's Office on the effective date of this amendment, and then westerly to a point 200 ft. west of the centerline of the railroad right of way and then southerly along a line paralleling the centerline of the railroad right of way to the City boundary.

2. *Uses.* Permitted uses are limited to water oriented uses and recreational uses and those uses permitted in the *§4.17 Flood Area Management Codes*.

3. *Area, Bulk, and Yard Requirements.*

Lot Size:	No requirement.
Lot Width:	100 ft. minimum.
Front Yard:	No requirement.
Rear Yard:	No requirement.
Side Yard:	No requirement.
Building Coverage:	30% maximum.
Height:	20 ft. maximum, with the exception of the Immediate Harbor Area in which the maximum height of any new structure shall not exceed 35 ft. The Immediate Harbor Area is defined as that area bounded North by the Middletown-Portland Bridge; East by the municipal line; South by Sumner Brook; and West by State Highway 9.

4. *Additional Requirements.*

1. Off-Street Parking and Off-Street Loading Requirements. In accordance with *§4.19 Off-Street Parking and Off-Street Loading*.

2. Application. All applications for site development shall adhere to the goals and standards of the Connecticut River Assembly or the City of Middletown. The more restrictive of the standards shall apply. Any proposed use requiring referral to the Connecticut River Assembly shall require a local Planning and Zoning public hearing. In addition to all requirements for site plan approval in *§5.5 Site Plans*, the applicant shall provide as part of the application pre and post-construction renderings, which display the view of the site from the opposite shore of the Connecticut River.

## **§2.27 PSUZ- Public Service Utility Zone.**

1. *Description.* To provide for a zone which allows for a variety of public uses on public property while at the same time insuring adequate screening and orderly maintenance at the facility.
2. *Uses.* The following uses shall be permitted uses. All applications for a permitted use shall be treated as a Category 4 site plan approval requiring Planning and Zoning Commission approval. The Commission may hold a public hearing on any application. Parking of equipment which is an integral part of maintaining public and quasi public infrastructure; school bus parking and related office facility; commuter parking lots; sand/salt storage provided proper environmental controls are in place; public utility buildings, structures and yards; public offices; public schools; public recreational facilities; and other public uses as deemed appropriate by the Planning and Zoning Commission.

3. *Area, Bulk, and Yard Requirements.*

Lot Size:	2 ac. minimum.
Frontage:	No requirement.
Front Yard:	50 ft. minimum.
Rear Yard:	25 ft. minimum.
Side Yard:	20 ft. minimum.
Building Coverage:	50% maximum.
Height:	3 stories maximum.

4. *Additional Requirements.*

1. Off-Street Parking and Off-Street Loading. As required in *§4.19 Off-Street Parking and Off-Street Loading*.
2. Required Transitional Yards and Screening. In approving any site plan for a new use, which abuts a residential land use screening of one of the following types shall be required. All screening shall take maximum advantage of existing natural topographical features and existing plantings.

1. An earthen berm accompanied with a six feet high evergreen planting on top of the berm.
  2. A six feet high stockade fence on metal fence posts fixed in concrete footings, accompanied with a six feet high evergreen planting between such fence and the abutting residential use.
  3. An eight feet high, six feet wide protective planting strip in accordance with specifications established by the Department of Land Use.
3. Outside Storage. All outside storage areas shall be screened from view to the maximum extent possible. Additionally, outside storage shall be kept in a neat and safe arrangement as determined by the Zoning/ Blight Enforcement Officer. This section shall be enforced using §5.5.6 *Time Limitations*.
  4. Traffic and Other Off-Site Improvements. The Commission reserves the right to require traffic and other off-site improvements within a reasonable distance to the proposed development. These improvements may include, but are not limited to, intersection and sidewalk improvements, traffic signalization and signage.
  5. Illumination. Interior or exterior lighting, including signs, shall not be of such intensity or located or directed in such a way as to produce glare or discomfort on public streets or neighboring properties.

**§2.28 SRD- Special Residential Development Floating Zone.**

1. *Applicability.* In addition to the uses found in §6.2 *Business Zones, Industrial Zones and Other Non-residential Zones Use Schedule* a SRD sub-district may established on any lot or assemblage of lots in excess of three acres within the Newfield Street Corridor Zone (NPC).
2. *Purpose.* An SRD sub-district is designed to encourage mixed use development within the Newfield Street Corridor by permitting multi-family development in the corridor and allowing retail/commercial development on the same parcel. The sub district will encourage variety and flexibility while also retaining the Commission's legislative authority to guide and ensure proper development.
3. *Procedure- Application Process Site Plan Requirement.* An application for approval of a SRD Sub District shall be made in writing to the Planning and Zoning Commission signed by the owner or owners of the land which are the subject of the application. The application shall include 20 prints of the site plan of the property drawn to scale showing the information as required in §5.5 *Site Plans*, including a detailed landscape plan and full architectural renderings The Commission shall refer the proposed plan to City departments for review and

comment and shall hold a public hearing on the proposal in accordance with §8-3 of the Connecticut General Statutes.

4. *Establishment.* In rendering a decision on a SRD floating zone sub-district the Commission acts in a legislative capacity and shall be afforded wide and liberal discretion. The Commission shall use its knowledge of the area, departmental comments, public comment, its *Plan of Conservation and Development* and §7.2 *Amendment Procedure* to render its decision. The Commission may approve, disapprove or approve with modifications the application of the SRD sub district and a site plan for the development of land which site plan may deviate from the standards in the underlying zone and §4.19 *Off-Street Parking and Off-Street Loading* for parking requirements. The Commission may attach any conditions to its approval as it considers necessary in order to assure continued conformance with the zoning codes;
5. A suitable notation shall be on the Zoning Map identifying any property for which a SRD Sub District has been approved.

**§2.29 SMH- Substance Abuse/ Mental Health Floating Zone.**

1. *Description.* A floating zone which provides for conditions and safeguards to protect the public health, safety and welfare of the citizens of Middletown in light of the consolidation of the three state mental health and substance abuse treatment facilities at Connecticut Valley Hospital and the existence of the Long Lane detention facility. This zone will guide the development of new substance abuse and mental health diagnosis and treatment facilities in Middletown. The intent is to minimize the impact of such development on neighbors within the floating zone and abutters in adjacent, more restrictive zones while at the same time recognizing the important service, which these facilities provide to the residents of Middletown.
2. *Applicability.* This floating zone may be applied to any of the lots fronting on the streets named in the areas as described below:
  1. Saybrook Road - from the intersection of Randolph Road to its northern terminus;
  2. Main Street Extension;
  3. Route 17, South Main Street - from the intersection of Highland Avenue, north to the South Green;
  4. Route 66, Washington Street - from the intersection with Camp Street, easterly to the intersection with Broad Street; and

5. Silver Street - from Main Street Extension easterly to intersection with Eastern Drive.

The floating zone may be applied to any site within these areas after following the procedures outlined in *§7.2 Amendment Procedure*.

3. *Uses.* The following uses shall be permitted within the floating zone:
  1. Substance Abuse/Mental Health diagnosis and treatment facilities
  2. Substance Abuse/Mental Health walk-in emergency clinics.
  3. Substance Abuse/Mental Health counseling services, groups or clinics
  4. Group homes, community residential treatment facilities.
4. *Changes in Uses/ Enlargement/ Expansion.* Any change in the approved use, enlargement or expansion shall constitute a new use. No change in the approved use, enlargement or expansion of the structures nor construction of an additional structure shall be permitted on the premises unless:
  1. Approved by the Planning and Zoning Commission at the initial approval under this section or;
  2. Subsequently as a Special Exception approval. Any application submitted for initial approval, and any change in the approved use, enlargement or expansion for which approval is sought, shall include a statement of the square footage of space to be utilized, the proposed uses of the property in specific terms, and the number of clients to be served and the type of service provided. Any approval shall be conditioned upon the information provided in this statement.
5. *Yard and Height Requirements.* Yard and height requirements are those listed in the existing underlying zone prior to the application of the floating zone.
6. *Building and Site Requirements.*
  1. All site plans shall be approved by the Planning and Zoning Commission and shall be submitted simultaneously with the application to apply the floating zone;
  2. Any improvements to the exterior of existing buildings and all proposed new buildings or additions shall be reviewed for architectural continuity by the Preservation/Design Review Board;
  3. A report of said review from Design Review Board must be submitted with the application to the Planning and Zoning Commission before an approval can be issued;

4. In addition, the total area of new building(s) or combined existing building with addition(s) shall not exceed the square footage (total) of the average of the five nearest (defined as measured from center of proposed building along straight line to the nearest point of existing building on the City's topography maps or a more up-to-date mapping) principal buildings in the abutting zone of the greatest restriction by no more than 50% (i.e. If the proposal abuts a residential zone, then the proposed building can exceed the average size of the five nearest houses by no more than 50%);
  5. The architectural character must conform to the dominant character of the most restrictive abutting zone;
  6. The location of the facility shall be compatible with the neighborhood in terms of traffic, noise, illumination and number of patients/clients cared for. The facility shall also be compatible with its setting in scale, material and design;
  7. The Commission shall require sufficient buffering from adjoining uses including but not limited to evergreen plantings, fences and earthen berms; and
  8. The Planning and Zoning Commission may, based on reasonable and minimum standards, impose such additional conditions and modifications as it finds necessary to protect the public health, safety and welfare.
7. *Illumination.*
1. Interior or exterior lighting, including signs, shall not be of such intensity or located or directed in such a way as to produce glare or discomfort on public streets or neighboring properties;
  2. Signs may not have internal illumination and shall not exceed 12 sq. ft.



## Article III. Nonconforming Uses, Structures, and Lots of Record

**§3.1 Nonconforming Uses.** Non-Conforming Uses may continue to exist without any change, except as herein provided.

**§3.2 Change of Nonconforming Uses.** With the approval of the Planning and Zoning Commission the use may be changed to another non-conforming use provided the new use is less intensive than the existing non-conforming use. In determining intensity, the Commission shall consider:

1. The nature of the use as it relates to the current zoning;
2. The number of customers anticipated and the duration of their stay;
3. The hours of operation;
4. Traffic control and safety;
5. Available parking;
6. Anticipated noise levels; and
7. Any other considerations the Commission deems appropriate.

In no case shall a non-conforming structure be expanded.

**§3.3 Abandonment.** If the non-conforming use is abandoned, with clear intent to abandon for any reason, any subsequent use shall conform to the codes of the zone in which the land is located.

**§3.4 Destroyed.** Any use or structure, which is destroyed by fire or natural causes, may be rebuilt within a time period of 12 months of destruction.

**§3.5 Special Exception Uses.** Any use, which is permitted as a special exception in a zone under the terms of this Code, shall not be deemed a non-conforming use in such a district, but shall without further action be considered a conforming use.

**§3.6 Non-conforming Lots of Record.** In any zone permitting single-family dwellings, a single-family dwelling may be erected on a lot provided the lot has not less than 50 ft. of street frontage. This provision applies even if the lot does not meet area requirements of the zone. However, City water and sewer facilities must be available or if not the lot must be approved by the Department of Health for onsite water and septic systems. Minimum yards for lots of record shall be as follows: side yards not less than 10% of street

frontage; rear yard not less than 10 ft.; front yard as required by zone located in or as established by adjoining structures.

- §3.7 Changes to a Conforming Use.** Any structure, or structure and land in combination, in or on which a non-conforming use is superseded by a permitted use, shall thereafter conform to the codes for the zone, and the non-conforming use may not thereafter be resumed.
- §3.8 Non-conforming Parcels of Land with Structures.** In any zone where there may have been structures built on parcels of land not in conformance with these codes, it is in the best interest of this Code to attempt to mitigate the irregularities. For this purpose the Commission may accept recommendations from the Director of Land Use for a rearrangement of the parcel, which will eliminate as many non-conforming features as circumstances permit. No new structures shall be authorized by the parcel rearrangement unless the new lots are in conformance with the current Code. The Commission shall recognize that there may be circumstances for which there is no mitigating arrangement possible.
- §3.9 Additions, Expansion, Moving.** No additional structure or enlargement, except to accommodate an accessory apartment pursuant to *§4.11 Accessory Apartments*, or increase of land area or relocation in whole or in part of any non-conforming use shall be permitted.
- §3.10 Repairs and Maintenance.** On any non-conforming structure or portion of a structure containing a non-conforming use, work may be done for ordinary repairs. If a non-conforming structure or portion of a structure containing a non-conforming use becomes physically unsafe or unlawful due to lack of repairs and maintenance, and is declared by any duly authorized official to be unsafe or unlawful by reason of physical condition, it shall not thereafter be restored, repaired, or rebuilt except in conformity with the codes of the zone in which it is located.

## Article IV. Supplemental Codes

- §4.1 Visibility at Intersections in Residential Zones.** On a corner lot in any Residence Zone, no planting shall be placed or maintained, and no fence, building wall or other structure other than necessary retaining wall shall be constructed after the effective date of this section, if such planting or structure thereby obstructs vision at any point between a height of two and one-half (2-1/2) ft. and a height of 10 ft. above the upper face of the nearest curb and within the triangular area bounded on two sides by the two street lines, or by projections of such lines to their point of intersection and the third side by a straight line connecting points on such street lines (or their projections), each of which points is 25 ft. distant from the point of intersection of the two street lines. Poles, posts and guys for street lights and for other utility services and tree trunks, exclusive of leaves and branches, shall not be considered obstructions to vision within the meaning of this provision.
- §4.2 Fences, Walls, and Hedges.** Notwithstanding other provisions of this Code, fences, walls and hedges may be permitted in any required yard, or along the edge of any yard, provided that no fence, wall or hedge along the sides or front edge of any front yard shall be over two and one-half (2-1/2) ft. in height.
- §4.3 Accessory Buildings.** No accessory building shall be erected in any required yard, and no separate accessory building shall be erected within five feet of any other building.
- §4.4 Residential Unit Business Pursuit.** The purpose of permitting this accessory activity is to allow certain small scale quasi-business undertakings by the dwelling occupant that will not influence the immediate neighborhood and would not be economically feasible if conducted in a totally business setting.
1. The activity offered shall meet the following criteria:
    1. Be conducted solely by an occupant of the dwelling unit with no more than one nonresident employee on the premises and entirely within the dwelling unit, specifically excluding any area designated as a garage.
    2. Not present any external evidence of the activity including a separate entrance or the parking of any vehicle which displays any evidence, however, a sign shall be permitted no larger than that specified in the sign code identifying the activity.
    3. Not utilize more than 500 sq. ft. of the gross area of the dwelling unit.
    4. No equipment or process used for the activity shall create: noise, vibration, glare, fumes, hazardous waste, electrical interference (visual or

audible) with any radio, television, or telephone; or causes fluctuations in electrical line voltage off the premises.

5. Not generate greater vehicular traffic than would ordinarily be associated with the dwelling location or attract more than four persons to the dwelling at any one time.
  6. Only individual or unique physical items or services shall be created or provided. Sales associated directly with a service provided or a good produced directly on premises may occur at the premises provided the sale of such goods on premises shall not be advertised or constitute the primary business pursuit.
  7. Not involve repairing any item, which would be brought to the dwelling.
2. Following is a list of business pursuit categories, which may be pursued in residential units, provided they do not violate any of the above criteria.
    1. Office activity such as: consulting, writing, computer programming, tutoring, telephone answering and drafting.
    2. Fine Arts such as: painting, sculpturing, photography, model making, crafts and weaving.
    3. Culinary activities such: baking, cooking and preserving food.
  3. A Residential Unit Business license shall be issued for a 90-day trial period during which time the activity may be observed to make an initial evaluation possible. Upon issuance, the Department of Land Use shall send a copy of the approved license to abutting property owners along with a letter explaining the license. The adjoining property owners have the right to request a further review by the Planning and Zoning Commission during the 90-day trial period. If a review has been requested, all abutting property owners shall be notified of the time and date of the Planning and Zoning Commission review. If no objections by abutters have been filed during said 90-day period, the issued license may be permanent subject to licensee's compliance of the approved uses contained herein.
    1. Findings. A Residential Unit Business Pursuit shall be granted when the Director of the Land Use finds that the proposed Residential Unit Business Pursuit will not violate any provision of this Code.
    2. Approved Use. No substantial deviation from an approved Residential Unit Business Pursuit shall be permitted without the approval of the Director of Land Use. Any deviation without approval or violations of the terms of the RUBP shall result in revocation of the Residential Unit Business Pursuit.

**§4.5 Multi-Family Structures.** No multi-family dwelling unit, building or structure shall be erected, constructed, reconstructed, altered or used unless served by both public sanitary sewer and public water.

**§4.6 Pedestrian Walks.** Sidewalks, or other Commission approved system of pedestrian walks, are required for all development involving new streets and for development associated with existing streets within one mile of an existing school or officially designed future school site. Mile measurement to be along the most direct street to school site.

**§4.7 Buffer Strips.**

1. *Buffer Between Different Land Uses.* When a new land-use (including different housing types) is proposed to be located adjacent to an existing use there shall be no less than 10 ft. in width a landscaped buffer strip at the edge of the new site in addition to any required yards. The new use shall be screened from the abutting existing use by: (a) hedges or coniferous planting having a height of at least four feet at the time of planting, not more than two feet on center or (b) solid fencing at least six feet. in height or a combination of these as shown and approved on the site plan.
2. *Access Through Buffer Strip.* A private road, private driveway or other private vehicular way serving a Non-Residential Zone shall not be constructed through a Residential Zone or a buffer strip.

**§4.8 Exceptions and Modifications.**

1. *Lots of Record.*
  1. *Dwelling on any Lot of Record.* In any Zone where dwellings are permitted a single-family detached dwelling may be erected on any lot of official record at the effective date of this Code. The lot must have 50 ft. of frontage, provided, however, that if any such lot of official record established prior to Middletown's adoption of the *Subdivision Regulations* (November 1, 1941) has less than 50 ft. of frontage but more than 25 ft. of frontage it may be approved as a building lot upon application for a special exception if it has availability of city water and sewer services or, if not, is found acceptable by the Middletown Department of Health for onsite well and septic system. Other area, yard, and open space requirements must be complied with as nearly as possible required that.
  2. *Minimum Yards.* In no case shall the width of any side yard be less than 10% of the width of the lot, and provided, that on a corner lot, the width of the side yard adjoining the side street lot line shall be not less than eight feet or 20% of the frontage, whichever is the greater. In no case

shall the depth of the rear yard be less than 10 ft. Front, side, or rear yard encroachments as specified in §4.8.3 *Frontage and Yard Modifications* shall be prohibited in the case of substandard lots of record.

2. *Height Modification.* The height limitations stipulated elsewhere in this Code shall not apply to the following:
  1. Farm Buildings, Architectural Features, Etc. Barns, silos, or other farm buildings or structures on farms; to church spires, belfries, cupolas and domes, monuments, water towers, fire and hose towers, observation towers, transmission towers, windmills, chimneys, smokestacks, flagpoles, radio and television towers, masts and aerials; to parapet walls extending not more than four feet above the limiting height of the building.
  2. Places of Public Assembly. Places of public assembly in churches, schools, and other permitted public and semi-public buildings, provided that these are located on the first floor of such buildings and provided that for each three feet by which the height of such buildings exceeds the maximum height otherwise permitted in the district, its side and rear yards shall be increased in width or depth by an additional foot over the side and rear yards required for the highest building otherwise permitted in the zone.
  3. Structures. Belfries, chimneys, flagpoles, flues, monuments, radio and television towers, antenna or aerials, spires, tanks, water towers and tanks, air conditioning units or similar roof structures and mechanical appurtenances. No such roof structure, however, shall have a total area greater than 25% of the roof area; nor shall such structure be used for any purpose other than a use incidental to the main use of the building.
3. *Frontage and Yard Modifications.*
  1. Buildings on Through Lots. Buildings on through lots shall conform to the front yard requirements for each street. In case of reversed frontage an accessory building shall not extend beyond the setback line of the rear street.
  2. Frontage Modifications. In the case of curvilinear streets and cul-de-sacs, the Planning Commission may authorize a reduction of the otherwise specified frontage or lot width in Residential zones along the front property line provided that:
    1. The lot width at the building line shall equal the frontage or lot width required in the zone where located;
    2. The front lot line shall not be less than 60 ft. in any event; and

3. Such reduction of frontage shall not result in a reduction of the required lot area.
3. Average Depth of Front Yards. In any Residential Zone, where the average depth of at least two existing front yards on lots within 100 ft. of the lot in question, and within the same block front is less or greater than the least front yard depth prescribed elsewhere in this Code, the required depth of the front yard on such lot shall be modified. In such case, this shall not be less than the average depth of said existing front yards on the two lots immediately adjoining, or, in the case of a corner lot, the depth of the front yard on any lot shall be at least 10 ft. and need not exceed 50 ft.
4. Rear and Side Yards – How Computed. In computing the depths of a rear yard or the width of a side yard, where the rear or side yards abuts an alley, one-half (1/2) of the width of the alley may be included as a portion of the required rear or side yard, as the case may be.
5. Side Yard Modifications.
  1. *Side Yard Increased.* Each side yard, where required, shall be increased in width by one inch for each foot by which the length of the sidewall of the building, adjacent to the side yard, exceeds 50 ft.
  2. *Side Yard Varied – Wall Not Parallel.* Side yard width may be varied where the sidewall of a building is not parallel with the side lot line or is broken or otherwise irregular. In such case the average width of the side yard shall not be less than the otherwise required least width; provided, however, that such side yard shall not be narrower at any point than one-half (1/2) of the otherwise required least width or narrower than three feet in any case.
  3. *Side Yard – Corner Lot.* A side yard along the minor street lot line of a corner lot in any zone, shall have a depth fronting the side street of not less than one-half (1/2) the depth of the front yard required for the zone in which the corner lot is situated.
6. Sheds, Playscapes, and other Detached Accessory Structures. The side and rear yard in all residential zones for sheds, playscapes and other detached accessory structures shall be 10 ft. provided said shed, playscape and accessory structure does not exceed 12 ft. in height or a gross footprint in excess of 150 sq. ft.
7. Projection of Architectural Features. Certain architectural features may project into required yards or courts as follows:

1. *Belt Courses, Sills and Lintels.* Belt courses, sills and lintels may project six inches into front, rear and side yards.
  2. *Cornices, Eaves and Gutters.* Cornices, eaves and gutters may project three feet into front and side setback space, and five feet into rear yards.
  3. *Bay Windows.* Any bay window, entrance, vestibule or balcony, 10 ft. or less in width, may project not more than 3 ft. into front and rear yards.
  4. *Chimneys.* Chimneys in any Residential Zone may project not more than 18 in. into a front, side or rear yard. Chimneys used as walls shall not be allowed to project into any yard.
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8. Fences. Fences, up to six feet in height, may be erected along the rear boundary, side boundary (from building line to rear boundary only) and front building line of a lot, and “Obstructions” for the purposes of this Code.
  9. Steps, Stoops and Porches. Steps and uncovered stoops may extend into any minimum front or rear yard not more than nine feet. On a corner lot having a minimum side yard 25 ft. or more in width, steps and open uncovered stoops, and porches may extend into such minimum side yard not more than nine feet; but there shall be no encroachment upon the minimum side yard of a corner lot when such yard is less than 25 ft. in width, nor shall any other minimum side yard be encroached upon by such extensions. Enclosing or roofing of steps and open uncovered stoops, porches and outside open stairways, which extend into the minimum required yards is prohibited.
  10. Fire Escapes. Fire escapes may project not more than five feet into front, side or rear yards.
  11. Building Accessories. Building accessories designed and intended to control light entering a building and being a permanent part of such building may project five feet into the front yard, 10 ft. into rear yard and three feet into side yard.
  12. Awnings, Storm Doors, etc. Building accessories designed and intended to control light entering a building and not being a permanent part of such building, such as summer awnings and winter storm doors and windows, may project five feet into the front yard, 10 ft. into the rear yard, and three feet into the side yard.



13. **Carports.** An open carport without a supporting structural wall or a screen wall, over 60 in. height, may project into the minimum yards as follows:
  1. Front yard: 3 ft.
  2. *Side yard:*
    1. To a point not less than twice the minimum side yard requirement from the main building on the adjoining lot, or
    2. A depth of three feet. In no event shall the remaining side yard be less than three feet.

**§4.9 Swimming Pools.** No swimming pool shall be constructed or operated in any zone, whether an accessory use or as a principal use, unless it complies with the following conditions and requirements:

1. *Exclusive Private Use in All Residential Zones.* If a swimming pool is located in any Residential Zone, the pool shall be intended and used solely for the enjoyment of the occupants of the principal building of the property on which it is located and their guests.
2. *Distance Requirements.* The swimming pool, if accessory to a residential use, may be located anywhere on the premises except in a required front yard, provided it shall not be located closer than 10 ft. to any property line of the property on which located; provide further that pump and filter installations shall be located not closer than 10 ft. to any property line.
3. *Fencing.* See latest version of the Connecticut State Building Code.
4. *Lighting.* Any lighting used to illuminate the swimming pool area shall be so arranged as to deflect the light from adjoining properties.
5. *Zoning Certificate Required.* No person, firm or corporation shall construct or install a swimming pool or make any alterations thereon or in the appurtenances thereof without having first submitted an application and plans thereof for approval.

**§4.10 Limitations on Accessory Uses.** Any use which is incidental only to Permitted Uses and which complies with §1.8 *Performance Standards* and all of the following conditions may be operated as an Accessory Use, subject to site plan review except as herein provided.

1. *Relationship.* Is clearly incidental and customary to and commonly associated with the operation of the Permitted Uses.
2. *Ownership.* Is operated and maintained under the same ownership and on the same lot as the Permitted Uses.

3. *Consistency.* Does not include structures or structural features inconsistent with Permitted Uses.
4. *Residential Occupancy.* Does not include residential occupancy, except for accessory apartments pursuant to §4.11 *Accessory Apartments*.
5. *Detached Structures.* If operated partially or entirely in detached structures, the gross floor area of such detached structures, shall not exceed 10% of the area of the lot.
6. *Attached Structures.* If operated partially or entirely within the structure containing the Permitted Uses, the gross floor area within such structures utilized by Accessory Uses (except garages and off-street loading facilities) shall not be greater than 20% of the gross floor area, but not to exceed 300 sq. ft. of a single unit dwelling; 10% of the gross floor area of a structure containing any Permitted Uses other than a single unit dwelling.
7. An accessory use may not survive the primary use.
8. Any Accessory Use or an expansion of an existing Accessory Use, other than Residential Accessory Uses, which has a point source discharge which is defined for purposes of this section only as a discharge from a fixed point directly to the air or directly to a wetland or watercourse exclusive of stormwater, septic system effluent automobile exhaust and other discharges which staff determines are a normal part of building operations (i.e., exhaust from heating and air conditioning and discharges to the sanitary sewer system) or is within 1,000 ft. of a Residential Zone and could substantially increase traffic levels shall require the granting of a special exception from the Planning and Zoning Commission.

**§4.11 Accessory Apartment.**

1. *Intent.* To facilitate diversity in the housing stock through a traditional form of housing that provides accessibility to households seeking housing that is affordable, enables closer proximity for child care, elder care or other needs, and expand access to educational and occupational opportunities.
2. *Applicability.* An accessory apartment is an accessory use pursuant to *Article VI. Use Schedules* and for nonconforming single-family dwelling uses pursuant to §3.9 *Additions, Expansion, Moving* and is subject to §5.5 *Site Plans*.
3. *Standards.* An accessory apartment shall meet the following standards:
  1. Accessory apartments shall be allowed accessory only to a single-family dwelling.
  2. One accessory apartment is permitted per lot wherever applicable.

3. Accessory apartments shall be attached to or located within the proposed or existing principal dwelling, or detached from the proposed or existing principal dwelling and located on the same lot as such dwelling.
4. Accessory apartments shall not exceed 1,000 sq. ft. of floor area and shall not exceed 40% of the floor area of the principal dwelling.
5. Yard, height, and coverage requirements shall apply in accordance with the applicable zone of which the accessory apartment is located.
6. Parking shall be provided in accordance with *§4.19.4 Quantity of Parking Spaces*.
7. Accessory apartments shall comply with applicable Middletown Housing Codes, Building Codes, Fire Codes, Health Codes, and any other applicable codes and ordinances.

**§4.12 Grading and Soil Erosion and Sedimentation Control Plan.** When applicable a grading and soil erosion and sediment control plan shall be submitted. This plan shall be at a scale not less than 1 in. = 40 ft. The area shown on the grading and soil erosion and sediment control plan may be limited to the portion of the project affected by the proposed regrading, cuts, fills, and/or soil and/or rock removal.

As a part of the grading plan all developers shall provide, using the best available technology proper provisions for soil erosion and sediment control. A soil erosion and sediment control plan shall be submitted with any application for project when the disturbed area is cumulatively more than one half acre. The Planning and Zoning Commission may also require that a bond be posted assuring that the Grading and Soil and Erosion Control Plan is implemented. The Planning and Zoning Commission may petition the Middlesex County Soil and Water Conservation District for a study to establish that a Grading and Soil Erosion and Sediment Control Plan complies with the minimum standards as set forth in this Section.

1. *Minimum Standards for Soil Erosion and Sediment Control Provisions.* The developer is requested to use the publication, *Connecticut Guidelines for Soil Erosion and Sediment Control* (latest edition), as amended, as a tool in providing all the minimum information required for soil erosion and sediment control, peak flow rates, and volumes of water runoff. The Grading and Soil and Erosion Control Plan shall include but is not limited to, the following:
  1. A narrative describing the development, the schedule of major activities on the land, (including start and completion dates, sequence of grading and construction activities, sequence for installation of erosion and sediment control measures, and sequence for final stabilization measures); the design criteria and construction and installation

procedures for soil erosion and sediment control measures and stormwater management facilities; and an ongoing maintenance program for erosion and sediment control measures and the stormwater management system;

2. A site development plan as described in §3 of the *Connecticut Guidelines for Soil Erosion and Sediment Control* showing the following additional information:
  1. Areas of major regrading, cuts, fill and/or soil and/or rock removal with the estimated amount of material to be added or removed and calculations of proposed cuts and fills;
  2. Existing (dashed lines) and proposed contours (solid lines) at an interval not exceeding two feet based on field and aerial survey as well as existing spot elevations (where appropriate);
  3. The location of and design details for all proposed soil erosion and sediment control measures and stormwater management facilities;
  4. Areas in excess of 25% natural slope highlighted with crosshatching;
  5. Existing and proposed drainage swales, wetlands and water courses;
  6. Existing permanent buildings and structures, including well and septic locations;
  7. Notes indicating if blasting will be required;
  8. Cross section drawings covering proposed excavation areas;
  9. Hydraulic computations for all culverts and bridges, stream crossings and detention/retention structures; and
  10. Any other information deemed necessary and appropriate by the developer or requested by the Commission or its designated agent.
2. *Certification.* Approval of the project shall constitute certification that the Grading and Soil Erosion and Sediment Control Plan complies with the requirements and purpose of these codes. After approval of the project, no site development shall begin unless the soil erosion and sediment control measures and facilities in the plan scheduled for installation prior to site development are installed, functional, and maintained until the development is complete.
3. *Inspection and Enforcement.* The Zoning/ Blight Enforcement Officer and the Department of Public Works shall make periodic inspections to ensure compliance with the approved plan and that control measures and facilities are properly performed or installed and maintained. Upon finding improper installation or maintenance, the City has the authority to require compliance to the plan and/or order the contractor/developer to stop work. The Commission

may ask for progress reports from the developer and/or the Zoning/ Blight Enforcement Officer.

**§4.13 Protection of Water Sources.**

1. *Purpose of Codes.* To provide for the protection of water sources which are or may be used for public water supply. This includes unique geologic units called aquifers, capable of yielding usable amounts of groundwater and areas called watersheds in which surface water drains into reservoirs. The boundaries of the City's aquifer and watershed areas are shown on the Zoning Map and are hereby designated the geographical boundaries of the water protection boundaries.
2. *Watershed Protection Areas (WPA).* The Watershed Protection Area is an overlay district, which provides for additional conditions, standards and safeguards to the permitted uses of the underlying district in order to protect and maintain the surface waters, and ground waters of the Middletown Public Water Supply Watershed to a quality consistent with their use as a primary source of drinking water for the City.
3. *Non-Permitted Uses.* Within this district the requirements for the underlying districts continues to apply, except that the following uses are prohibited, even where the underlying district requirements are more permissive.
  1. Any industrial, commercial or other use in which the manufacture, use, storage, transport, process or disposal of hazardous materials or waste is a primary use.
  2. Sanitary landfill, septage lagoons, waste water treatment facilities for municipal or industrial waste, or other waste processing or transfer facilities.
  3. Road salt storage and salt storage loading sites.
  4. Junkyard, salvage yard, truck terminal.
  5. Vehicle service operations. To include but not be limited to fuel stations, auto service stations, body shops, rustproofing and auto sales dealerships.
  6. New or enlarged fertilizer storage facilities.
  7. Engine repair or machine shops.
  8. Dry cleaners, printers, furniture strippers, photo processors and labs.

9. Medical, dental or veterinarian offices, beauty salons, kennels, car washes, science, research or medical laboratories.
10. Cemeteries, in compliance with State Statute prohibitions.
4. *Coverages, Buffers and Setbacks.* Within the Watershed Protection areas, the following additional lot requirements shall apply except for 1 and 2 family residential lots, which are excluded. In the instances where the underlying zone requirements are different, the more stringent shall apply.
  1. Total building coverage shall not exceed 60% of the lot area. To be included in the 60% maximum include, but are not limited to the following: all buildings, walkways, travelways (paved and unpaved), paved islands, paved boulevards, impervious stormwater management structures and other structures deemed applicable by the Planning and Zoning Commission.
  2. A minimum of 20% of the total lot area parcel within a proposed subdivision shall be retained in its natural state. The 20% shall be incorporated in the site plan to buffer sensitive wetlands, watercourses and public water supplies. In those areas where previous land disturbance has occurred, this 20% shall be restored and re-vegetated in keeping with the intent of the code.
  3. Minimum buffers, from buildings, structures, septic systems, impervious surfaces and other sources of pollution, shall be maintained as follows:
    1. One hundred feet (100 ft.) shall be maintained between watercourses and wetlands contributing to the public water supply and the developed land area.
    2. One hundred feet (100 ft.) shall be maintained between watercourses and wetlands contributing to the public water supply and outlet drainage structures to include but not be limited to level spreaders, splash pools, detention and retention basins and flared end outlets. There shall also be a demonstration by the developer that within this distance there is no more than a minimal impact on the public water supply from point source hydraulic loading.
5. *Other Requirements and Restrictions.* The following requirements shall apply:
  1. No discharge of wastewaters to surface and groundwater are permitted unless allowed by the *General State Statutes* and/or Planning and Zoning Codes.
  2. Underground storage of hazardous materials as defined by DEP and EPA is not allowed. Underground fuel storage tanks are also expressly

prohibited; except underground storage for propane will be allowed provided the installation meets all other applicable codes.

3. Above ground storage of hazardous materials as defined by DEP and EPA in quantities greater than associated with normal operation of the approved use, normal on-site clerical and on-site janitorial use, other than fuel storage for space heating is not allowed. Fuel storage for space heating shall be in an environmentally protected area and shall be set within an impoundment area that is 110% of the volumetric capacity of the fuel storage tank. Areas where hazardous materials are used, handled or stored shall be designed as follows:
  1. Floor surfaces shall be impermeable to stored material and have containment dikes, sumps or berms surrounding them. Unless other acceptable methods are used, a containment area shall be constructed to contain 110% of the maximum storage volume.
  2. There shall be no floor drains in storage areas. Floor drains may be allowed in processing areas if connected to a public sanitary sewer and preceded by an approved treatment system, or approved holding tank.
  3. Areas shall be enclosed and roofed to protect it from the weather.
  4. Dumpsters used for wastes shall be covered or located within a roofed area, have drain plugs intact, and be on impermeable surface away from storm drains.
  5. Loading docks shall be designed to protect spillage or discharges and located away from storm drains.
  6. A maintenance and inspection schedule of the areas or structures may be required.
  7. A spill response plan shall be provided to the City's Water Pollution Control Authority and updated annually. The spill response plan shall include the availability of spill containment materials onsite, as a part of the plan.
4. Stormwater management facilities shall be provided to the City's Water Pollution Control Authority and updated annually. The spill response plan shall include the availability of spill containment materials onsite, as a part of the plan. The following measures and restrictions shall apply:
  1. All raw materials and waste materials shall be sorted and handled so as to prevent contact with stormwater.
  2. The use of underground drywells is not allowed for any stormwater from developed areas, except for roof drainage in groundwater supply areas. Such structures may be used in reservoir watersheds, where structures would treat runoff and not affect groundwater supplies.

3. Detention ponds, basins, swales, grease, oil and grit separators, or other measures designed to treat runoff, contain pollution and control peak flows, and infiltrate clean water may be required. It is the applicant's obligation to demonstrate that development has less than a minimal impact to the otherwise undisturbed natural runoff from the site.
4. Restriction of road salt (NaCl) application.
5. Where it is determined that development may result in significant water quality effects from development runoff, the proposal may be referred to the State's Department of Energy and Environmental Protection and/or the City of Middletown Environmental Planner for an advisory comment. A maintenance and inspection plan and schedule, shall be provided.
5. Where the use poses a significant threat to water quality due to total structure loss of fire, fire protection, response and containment measures may be required (e.g., public water, sprinklers, chemical extinguishers and similar measures).
6. Where potential exists for public sewers to be used for wastes other than domestic sewerage or where the sewer line passes through or adjacent to a sensitive resource area including a watercourse, wetland or stratified drift aquifer, the sewer line shall be constructed in accordance with good Engineering Standards, as approved by the Department of Water & Sewer.
7. Unless otherwise acceptable, all treatment and protection structures, facilities, and measures shall meet State Department of Energy and Environmental Protection standards, or in compliance with the Best Management Practices (BMP) and Best Available Technology (BAT) guidelines, including, but not limited to, oil/water separators, detention basins, retention basins, aeration structures, gross particles separators and biofilters).
8. If any proposed treatment, measure or practice is in question, it may be referred to the State Department of Energy and Environmental Protection, State Department of Public Health, City of Middletown Environmental Planner, or other agency for review and comment. Evidence of required permits or approvals may be required and the Commission may require additional modeling, analysis and evaluation to assure that there be no negative impacts on the watershed. The applicant shall be responsible for any additional fees as a result of these requirements.



9. Uses are subject to the site plan requirements of §5.5 *Site Plans*.

#### **§4.14 Adult Uses Codes.**

1. *Purpose.* The intent of this section is to regulate uses, which, because of their very nature, are recognized as having serious objectionable characteristics, particularly when several of them are concentrated under certain circumstances thereby having a deleterious effect upon the adjacent areas. Special code of these uses is necessary to ensure that these adverse effects will not contribute to the blighting or downgrading of the surrounding neighborhood. The primary control of code is for the purpose of preventing a concentration of these uses in any one area.

2. *Definitions.* For the purpose of this section, the following definitions shall apply:

Adult Book Store. An establishment having as a substantial or significant portion of this stock in trade, books, magazines, films, sexual devices for sale or viewing on premises by uses of motion picture devices or any coin-operated means, and other periodicals which are distinguished or characterized by their emphasis on matter depicting, describing or relating to “Specified Sexual Activities” or Specified Anatomical Areas”, or an establishment with a segment or section devoted to the sale or display of such material.

Adult Motion Picture Theater. An enclosed building with a capacity of 50 or more persons used regularly and routinely for material having as a dominant theme material distinguished or characterized by an emphasis on matter depicting, describing or relating to “Specified Sexual Activities” or “Specified Anatomical Areas”, for observation by patrons therein.

Adult Mini-Motion Picture Theater. An enclosed building with a capacity for less than 50 persons used for material having as a dominant theme material distinguished or characterized by an emphasis on matter depicting, describing or relating to “Specified Sexual Activities” or “ Specified Anatomical Areas”, for observation by patrons therein.

Adult Entertainment Establishment. A public or private establishment which may or may not be licensed to serve food and/or alcoholic beverages, which feature topless dancers, strippers, male or female impersonators, or similar entertainers, or acts relating to “Specified Sexual Activities” or “Specified Anatomical Areas”, for observation by patrons therein.

Massage Parlor. An establishment or place primarily in the business of providing non-therapeutic massage services and/or steam baths.

Specified Sexual Activities.

1. Human genitals in a state of sexual stimulations arousal;
2. Acts of human masturbation, sexual intercourse or sodomy;
3. Fondling or other erotic touching of human genitals, pubic region, buttock or female breast.

Specified Anatomical Areas.

1. Less than completely and opaquely covered:
    1. Human genitals, public region.
    2. Buttock and
    3. Female breast below a point immediately above the top of the areola.
  2. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.
3. *Regulated Uses.* Regulated uses include all Adult Uses which include, but are not limited to, the following: Adult Book Store, Adult Entertainment Establishment, Adult Mini-Motion Picture Theater, Adult Motion Picture Theater, and Massage Parlor.
1. Adult Uses shall be permitted subject to the following restrictions:
    1. No such Adult Use shall be allowed within 1,000 ft. of another existing Adult Use. There shall be no more than one Adult Use per building.
    2. No such Adult Use shall be located within 1,000 ft. of any Zoning District, which is zoned for Residential Use.
    4. No such Adult Use shall be located within 1,000 ft. of a pre-existing school or place of worship.
    5. No such Adult Use shall be located in any Zoning District except B-2 or I-3 zoned areas. Adult Uses, as herein defined, shall require the granting of a special exception from the Planning and Zoning Commission. The Commission shall judge each application based on the requirements of this section and the Special Exception criteria found in §5.6.4 *Findings*.
4. *Exterior Display.* No Adult Use shall be conducted in any manner that permits the observation of any material depicting, describing or relating to “Specified Sexual Activities” or “Specified Anatomical Areas”, from any public way or from any property not registered as an Adult Use. This provision shall apply to any display, decoration, sign, show window or other opening.
5. *Registration.*
1. The owner of a building or premises, his/her agent for the purposes of managing, controlling, or collecting rents, of any other person managing of controlling a building or premises, any part of which contains an Adult

Use, shall register annually with the Director of Health the following information:

1. The address of the premises.
  2. The name of the owner of the premises and names of the beneficial owners if the property is in a land trust.
  3. The address(es) of the owner and the beneficial owners.
  4. The name of the business or the establishment subject to the provision of §4.14.5.1.3.
  5. The name(s) of the owner, beneficial owner of the major stockholders of the business or the establishment subject to the provisions of §4.14.5.1.3.
  6. The address(es) of those persons names in §4.14.5.1.5.
  7. The date of initiation of the Adult Use.
  8. If the building or premises is leased, a copy of the said lease shall be attached.
2. It shall be unlawful for the owner or person in control of any property to establish or operate thereon or to permit any person to establish or operate an Adult Use without first having properly registered and received certification of approved registration; pre-existing Adult Uses prior to the effective date of this Code shall register within 30 days of the effective date of this Code.
  3. The owner, manager or agent of a registered Adult Use shall display a copy of the Registration Form approved by the Director of Health in a conspicuous place of the premises.

**§4.15 Wireless Communication Facilities Special Exception.**

1. *Purpose.* The purpose of this section is to make provisions to permit the location of wireless communication towers in the City of Middletown with the exception of FCC exempt facilities while protecting the public, neighborhoods and minimizing the adverse visual and operational effects of wireless communications towers. More specifically, the purposes are:
  1. To accommodate the need for wireless communications towers while not unreasonably regulating their location and number;
  2. To encourage the joint use of any existing or new towers;
  3. To encourage creative design measures to minimize adverse visual effects of wireless communications towers through proper design, siting and vegetative screening;
  4. To avoid potential damage to adjacent properties from tower failure or from falling ice through careful siting of towers.

5. To site facilities below visually prominent ridge lines; and/or
  6. To reduce the number of towers needed in the future.
2. *Preference.* The general order of preference for alternative facility locations will range from (1.) as most preferred to (5.) as least preferred:
1. On existing structures such as buildings, smokestacks, water towers, etc;
  2. On existing or approved towers;
  3. In industrial and commercial districts where the existing topography, vegetation, buildings or other structures provide appropriate screening;
  4. On new towers with appropriate visual mitigation in commercial and industrial districts; and
  5. If tower site area in excess of one acre, on new towers in any zone where the existing topography, vegetation, buildings or other structures provide appropriate screening.
3. *Special Exception Requirements.*
1. For sites of one acre or more, the Planning and Zoning Commission may grant a special exception authorizing the establishment of a wireless telecommunication tower in any zone. The establishment of a wireless telecommunication tower will be in conformance with these codes and comply with the following:
    1. Each wireless telecommunication carrier will co-locate on existing communication towers, whenever possible;
    2. Carrier will present a map showing the network planned for the City of Middletown;
    3. All structures, excluding the communication tower, associated with wireless telecommunication facilities will not exceed the height requirements of the zone in which the structure is located;
    4. In residential zones no facility will be located within 200 ft. of an existing building;
    5. All equipment building/boxes or equipment areas will comply with the minimum property line setbacks for a principal building in the zone in which it is located;
    6. Towers will be structurally designed to provide for co-location of up to three users;
    7. The Planning and Zoning Commission, at its sole discretion, may utilize independent technical expertise when reviewing either a

special exception and/or site plan application pertaining to wireless communication facilities; and

8. The location of all structures associated with wireless telecommunication facilities will be subject to site plan approval in accordance with these codes.

2. Factors Upon Which Approval/Denial Shall be Based. Federal requirements pertaining to a zoning decision either to approve or deny, a wireless communication facility application will include all of the following:

1. Detailed analysis of alternative sites, structures, access, and antennas;
2. Worse-case combined modeling of radio frequency power densities;
3. Detailed propagation and antenna separation analysis relative to facility height;
4. Tower sharing or co-location to facilitate the telecommunication needs of municipalities and other entities in order to reduce the need to construct additional towers;
5. Assessment of the tower structure type; and
6. Consideration of future use or re-use of the site with provisions for facility removal and site restoration including and not limited cash bonding.

The applicant's comprehensive development and management plan for erosion and sedimentation control as well as, architectural treatment, environmental and cultural considerations.

4. *Wireless Communication Tower Site Plan Requirements.*

1. All applications will meet all site plan requirements and the standards as described in these codes. Each applicant will include a map showing:
  1. The service area of the proposed wireless telecommunication site;
  2. The search radius for the proposed wireless telecommunication site and provide support materials that show the location of tall structures within one quarter mile radius of the site proposed and that the owners of those locations have been contacted and asked for permission to install the antenna on those structures;
  3. Existing and approved locations of the applicant's other telecommunication sites in Middletown; and
  4. Existing towers owned/used by the applicant within two miles of Middletown's borders.

2. Other General Requirements.

1. A plan showing where and how the proposed antenna will be affixed to a particular building or structure;

2. Details of all proposed antenna and mounting equipment including size and color;
  3. Elevations of all proposed shielding and details of materials including color;
  4. Elevations of all proposed equipment buildings/structures with details of proposed fencing including color;
  5. All proposed landscaping, if appropriate, with a list of plant materials;
  6. Tower base elevation and height of the tower;
  7. Proximity of tower to residential structures and residential zone boundaries including forested areas;
  8. Natures of uses on adjacent and nearby properties within 1,000 ft.;
  9. Surrounding topography within 1,000 ft. at contour intervals not exceeding five feet and based on city datum;
  10. Design of the tower with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness if proposed;
  11. A topographic profile showing the proposed tower and its associated equipment from adjoining properties with any fencing, landscaping, etc.;
  12. Proposed ingress and egress from a public street to the site and the drive surface type, if necessary;
  13. A soil report will be submitted to verify the design specifications of the foundation of the tower and anchors for the guy wires, if used; and
  14. The Commission may request one or two perspective drawings from locations of concern.
5. *Tower Site Plan Standards.* The following are wireless communications facility standards which will be followed:
1. The proposed tower will be designed and constructed to all applicable standards of the American National Standards Institutes, ANSI/AEI-222 manual, as amended.
  2. The proposed support structure will be required to accommodate a minimum of three users, including other wireless communication companies and local police, fire, and ambulance companies unless it is determined to be technical unfeasible based on information submitted by the applicant;
  3. Towers not requiring special Federal Aviation Administration painting or markings will be a non-contrasting blue, gray or other neutral color;

4. No tower will be located on municipally owned land designated for open space or for recreational use unless approved by the responsible agency;
  5. Towers in residential zones, if any, will be a monopole design unless otherwise approved by the Commission;
  6. No signs will be permitted on any tower;
  7. No lights or illumination will be permitted unless required by the Federal Aviation Administration or Federal Communications Commission.
  8. The tower will be surrounded by an approved chain link fence or wall;
  9. The proposed tower and its antenna will be the minimum height necessary to satisfy the technical requirements of the proposed telecommunications facility and its future uses;
  10. Tower height will not exceed three times the allowable building height in the tower's underlying zone;
  11. All towers must comply with setback requirements of the zones in which they are proposed; and
  12. All tower locations will not be closer to their property line than the height of the tower plus 25% of that height.
6. The following types of Wireless Communication Facilities are permitted uses and will be subject to the following standards:
1. Rooftop Mounted Antenna.
    1. Will be attached to a non-residential structure or building, which building or structure is the principal building or structure on the lot;
    2. Will be of a material or color, which matches the exterior of the building or structure;
    3. Will not exceed a height of 10 ft. above the highest part of the structure or building;
    4. Will be set back from the roof edge a minimum of 10 ft. or 10% of the roof width, whichever is greater;
    5. Satellite and microwave dish antennas will not exceed six feet in diameter and will be located or screened so as to minimize visibility; and
    6. Will not occupy more than 25% of the roof area.
  2. Façade Mounted Antenna.

1. Will be attached to a non-residential structure or building, which structure or building is the principal structure or building on the lot;
  2. Will project not more than three feet beyond the wall or façade of the structure; and
  3. Will not project more than six feet above the cornice line.
3. **Equipment Building Standards.** All roof mounted accessory buildings and facilities associated with wireless communication facilities will comply with the following:
1. Each such building/structure will not contain more than 150 sq. ft. of gross floor area or be more than eight feet in height; and
  2. Will be designed to blend with the color and design of the building to the extent possible.

**§4.16 Stormwater Detention Requirements.**

1. All land development projects that would increase stormwater runoff from its size shall provide for onsite detention of the increase unless specifically excluded herein.
2. Excluded development projects are:
  1. single-family dwellings on lots of record.
  2. single-family dwellings on lots larger than one acre in size that are not built in conjunction with a new subdivision of land involving any new City streets,
  3. those onsites on one acre or less.
3. The design of detention facilities may follow recommendations of the Soil Conservation Service in the publication titled, "Urban Hydrology for Small Watersheds", Technical Release No. 55-SLS, January 1975 or the latest revision thereof. The design criteria for detention shall be a 50- year storm.
4. All calculations, designs, plans and specifications, shall be prepared by a State licensed professional engineer. The stormwater detention design proposal shall be shown as part of the site plan review information required in *§5.5 Site Plans*.
5. A special review fee scheduled for projects shall be:
 

1 - 10 acre:	\$50.00
10+ - 25 acres:	\$100.00
25+ acres	\$250.00



6. A detention facility serving an area of 10 or more acres shall be eligible for City ownership. For such a facility a surety performance bond equal to 100% of the estimated construction cost, as determined by the applicant subject to approval by the Commission, shall be posted when preliminary approval is granted but prior to actual construction of the facility. The performance bond shall be released by the Commission in accordance with *§69-2 of the Code of Ordinances* provided that the facility is in sound, usable condition as determined by the Commission and that all other requirements related to the construction and dedication of the facility have been fully and faithfully performed by the applicant.

#### **§4.17 Flood Area Management Codes.**

1. *Statutory Authorization and Purpose.*
  1. Statutory Authorization. The Legislature of the State of Connecticut has in *Title 7, Chapter 98, §7-148(c)(7)(A)* and in *Title 8, Chapter 124, §8-2 of the General Statutes* delegated the responsibility to local governmental units to adopt codes designed to promote the public health, safety, and general welfare of its citizenry. Therefore, the Planning and Zoning Commission of the City of Middletown, Connecticut, does ordain as follows:
  2. Finding of Fact. The flood hazard areas of the City of Middletown are subject to periodic flood inundation which results in the loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare. These flood losses are caused by the cumulative effect of obstructions in the floodplains causing increases in flood heights and velocities, and by the occupancy in flood hazard areas by uses vulnerable to floods or hazards to other lands which are inadequately elevated, floodproofed, or otherwise unprotected from flood damage. Uncontrolled development and use of the floodplains can adversely affect the community. The City of Middletown has voluntarily participated in the National Flood Insurance Program (NFIP) since December 16, 1980. The NFIP is founded on a mutual agreement between the federal government and each participating community. Local, state and federal governments must share roles and responsibilities to meet the goals and objectives of the NFIP. The community's role is of paramount importance. Property owners are able to receive federally-subsidized flood insurance only if the community enacts and enforces the minimum floodplain codes required for participation in the NFIP.

3. Statement of Purpose. It is the purpose of this code to regulate floodplain development, promote public health, safety, and general welfare, and minimize public and private losses due to flood conditions in specific areas by provisions designed to:
  1. To protect human life and health, and prevent damage to property;
  2. To minimize expenditure of public funds for costly flood control projects;
  3. To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
  4. To minimize prolonged business interruptions and other economic disruptions;
  5. To minimize damage to public facilities, infrastructure and utilities, such as water and gas mains, electric, telephone and sewer lines, and streets and bridges, located in the floodplain;
  6. To help maintain a stable tax base by providing for the sound use and development of flood hazard areas in such a manner as to minimize flood damage and flood blight areas;
  7. To insure that potential buyers are notified that property is in a flood hazard area;
  8. To prevent increase in flood heights that could increase flood damage and result in conflicts between property owners;
  9. To ensure that those who occupy the flood hazard areas assume responsibility for their actions; and
  10. To discourage development in a floodplain if there is any practicable alternative to locate the activity, use or structure outside of the floodplain.
4. Objectives. In order to accomplish its purposes, this code includes objectives, methods and provisions that:
  1. Restrict or prohibit uses which are dangerous to health, safety and property due to flood or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities;
  2. Require that uses vulnerable to floods, including facilities that serve such uses, be protected against flood damage at the time of initial construction;
  3. Control the alteration of natural floodplains, stream channels, and natural protective barriers that are involved in the accommodation of flood waters;
  4. Control filling, grading, dredging and other development which may increase erosion or flood damage; and

5. Prevent or regulate the construction of barriers or obstructions which will unnaturally divert flood waters or which may increase flood hazards to other lands.
2. *Definitions.* Unless specifically defined below, words and phrases used in this code shall have the same meaning as they have in common usage and to give this code its most reasonable application.

Area of Shallow Flooding (for a community with AO or AH Zones only). A designated AO, AH, AR/AO, AR/AH, or VO zone on a community's Flood Insurance Rate Map (FIRM) with a one-percent or greater annual chance of flooding to an average depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

Base Flood. The flood having a one-percent chance of being equaled or exceeded in any given year, also referred to as the 100-year flood, as published by the Federal Emergency Management Agency (FEMA) as part of a Flood Insurance Study (FIS) and depicted on a Flood Insurance Rate Map (FIRM).

Base Flood Elevation (BFE). The elevation of the crest of the base flood or 100-year flood. The height in relation to mean sea level expected to be reached by the waters of the base flood at pertinent points in the floodplains of coastal and riverine areas.

Basement. Any area of the building having its floor subgrade (below ground level) on all sides.

Building. See definition for "Structure".

Cost. As related to substantial improvements, the cost of any reconstruction, rehabilitation, addition, alteration, repair or other improvement of a structure shall be established by a detailed written contractor's estimate. The estimate shall include, but not be limited to: the cost of materials (interior finishing elements, structural elements, utility and service equipment); sales tax on materials, building equipment and fixtures, including heating and air conditioning and utility meters; labor; built-in appliances; demolition and site preparation; repairs made to damaged parts of the building worked on at the same time; contractor's overhead; contractor's profit; and grand total. Items to be excluded include: cost of plans and specifications, survey costs, permit fees, outside improvements such as septic systems, water supply wells, landscaping, sidewalks, fences, yard lights, irrigation systems, and detached structures such as garages, sheds, and gazebos.

Critical Facility. A development which is critical to the community's public health and safety, are essential to the orderly functioning of a community, store or produce highly volatile, toxic or water-reactive materials, or housing occupants that may be insufficiently mobile to avoid loss of life or injury. Examples of critical facilities include: jails, hospitals, fire stations, police stations, nursing homes, schools, wastewater treatment facilities, drinking water plants, and gas/oil/propane storage facilities.

Dangerous Material. Any material or substance which may pose an unreasonable risk to the health and safety of individuals, property, water supplies and/or the environment if discharged or released. These materials or substances may be defined as explosive, blasting agent, flammable gas, non-flammable gas, combustible liquid, flammable solid, organic peroxide, oxidizer, poison, irritating material, etiologic agent, radioactive material, corrosive material, other regulated material.

Development. Any man-made change to improved or unimproved real estate, including but not limited to the construction of buildings or structures; the construction of additions, alterations or substantial improvements to buildings or structures; the placement of buildings or structures; mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment; the storage, deposition, or extraction of materials; and the installation, repair or removal of public or private sewage disposal systems or water supply facilities.

Existing Manufactured Home Park or Subdivision. A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured home are to be affixed (including, as a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management codes adopted by a community.

Expansion to an Existing Manufactured Home Park or Subdivision. The preparation of additional sites by the construction of facilities for servicing the lots on which the manufacturing homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

Federal Emergency Management Agency (FEMA). The federal agency that administers the National Flood Insurance Program (NFIP).

Finished Living Space. Finished living space can include, but is not limited to, a space that is heated and/or cooled, contains finished floors (tile, linoleum, hardwood, etc.), has sheetrock walls that may or may not be painted or

wallpapered, and other amenities such as furniture, appliances, bathrooms, fireplaces and other items that are easily damaged by floodwaters and expensive to clean, repair or replace. A fully enclosed area below the base flood elevation (BFE) cannot have finished living space and needs to be designed for exposure to flood forces. These spaces can only be used for parking, building access or limited storage.

Five Hundred (500) Year Area. Means the flood that has a .2% (1/5th of 1%) chance of occurring each year.

Flood or Flooding. A general and temporary condition of partial or complete inundation of normally dry land areas from either the overflow of inland or tidal waters, or the unusual and rapid accumulation or runoff of surface waters from any source.

Flood Boundary and Floodway Map (FBFM). The official map of a community on which the Federal Emergency Management Agency (FEMA) has delineated the limits of the regulatory floodway and 100-year floodplain.

Flood Insurance Rate Map (FIRM). The official map of a community on which the Federal Emergency Management Agency (FEMA) has delineated both the special flood hazard areas (100-year floodplain) and the insurance risk premium zones applicable to a community. FIRM published after January 1990 may also show the limits of the regulatory floodway.

Flood Insurance Study (FIS). The official study of a community in which the Federal Emergency Management Agency (FEMA) has conducted a technical engineering evaluation and determination of local flood hazards, flood profiles and water surface elevations. The Flood Insurance Rate Maps (FIRM), which accompany the FIS, provide both flood insurance rate zones and base flood elevations, and may provide the regulatory floodway limits.

Flood proofing. Protective measures added to or incorporated in a building that is not elevated above the base flood elevation to prevent or minimize flood damage. "Dry flood proofing" measures are designed to keep water from entering a building. "Wet flood proofing" measures minimize damage to a structure and its contents from water that is allowed into a building.

Floodway. The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (1.0) foot. For the purposes of these codes, the term "Regulatory Floodway" is synonymous in meaning with the term "Floodway".

Functionally Dependent Use or Facility. A use or facility that cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities. The term does not include seafood processing facilities, long-term storage, manufacturing, sales or service facilities.

Highest Adjacent Grade (HAG). The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

Historic Structure. Any structure that is: (a) Listed individually in the National Register of Historic Places (a listing maintained by the Department of the Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register; (b) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historic significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district; (c) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or (d) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either: By an approved state program as determined by the Secretary of the Interior or (2) Directly by the Secretary of the Interior in states without approved programs.

Lowest Floor. The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area is not considered a building's lowest floor, provided that such an area meets the design requirements specified in §4.17.5.3.3.

Manufactured Home. A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term also includes park trailers, travel trailers, recreational vehicles and other similar vehicles or transportable structures placed on a site for 180 consecutive days or longer and intended to be improved property.

Manufactured Home Park or Subdivision. A parcel or contiguous parcels of land divided into two or more manufactured home lots for rent or sale.

Market Value. Market value of the structure shall be determined by the property's tax assessment.

Mean Sea Level (MSL). The North American Vertical Datum (NAVD) of 1988 or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map (FIRM) are referenced.

New Construction. Structures for which the "start of construction" commenced on or after August 28, 2008, the effective date of the floodplain management codes, and includes any subsequent improvements to such structures.

New Manufactured Home Park or Subdivision. A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date, August 28, 2008, of the floodplain management code adopted by the community.

Recreational Vehicle. A vehicle which is: (a) built on a single chassis; (b) 400 sq. ft. or less when measured at the largest horizontal projection; (c) designed to be self-propelled or permanently towed by a light duty truck; and (d) designed primarily not for use as a permanent dwelling but as a temporary living quarters for recreational, camping, travel, or seasonal use.

Special Flood Hazard Area (SFHA). The land in the floodplain within a community subject to a 1% or greater chance of flooding in any given year. SFHAs are determined utilizing the base flood elevations (BFE) provided on the flood profiles in the Flood Insurance Study (FIS) for a community. BFEs provided on Flood Insurance Rate Map (FIRM) are only approximate (rounded up or down) and should be verified with the BFEs published in the FIS for a specific location. SFHAs include, but are not necessarily limited to, the land shown as Zones A, A1-30, AE, AO, AH, and the Coastal High Hazard Areas shown as Zones V, V1-30, and VE on a FIRM. The SFHA is also called the Area of Special Flood Hazard.

Start of Construction. For other than new construction or substantial improvements under the Coastal Barrier Resources Act (P.L. 97-348), includes substantial improvement and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement, substantial improvement or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation, or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erections of temporary forms; not does it include the

installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

Structure. A walled and roofed building which is principally above ground, including a manufactured home, a gas or liquid storage tank, or other man-made facilities or infrastructures.

Substantial Damage. Damage of any origin sustained by a structure, whereby the cost of restoring the structure to its pre-damaged condition would equal or exceed 50% of the market value of the structure before the damage occurred.

Substantial Improvement. Any combination of repairs, reconstruction, rehabilitation, alterations, additions or other improvements to a structure, taking place during a 10-year period, in which the cumulative cost equals or exceeds 50% of the market value of the structure as determined at the beginning of such 10-year period. This term includes structures that have incurred “substantial damage”, regardless of the actual repair work performed. For purposes of this definition, “substantial improvement” is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include either: (1) Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or (2) Any alteration of a “historic” structure, provided that the alteration will not preclude the structure’s continued designation as a “historic structure”.

Variance. A grant of relief by a community from the terms of the floodplain management code that allows construction in a manner otherwise prohibited and where specific enforcement would result in unnecessary hardship.

Violation. Failure of a structure or other development to be fully compliant with the community’s floodplain management codes. A structure or other development without required permits, lowest floor elevation documentation, flood-proofing certificates or required floodway encroachment calculations is resumed to be in violation until such time as that documentation is provided.

Water Surface Elevation. The height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929 (or other datum, where specified), of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.



3. *General Provisions.*

1. Areas to which this Code Applies. This code shall apply to all Special Flood Hazard Areas (SFHA) within the City of Middletown.
2. Basis for Establishing the Special Flood Hazard Areas (SFHA). The Special Flood Hazard Areas (SFHA) identified by the Federal Emergency Management Agency (FEMA) in its Flood Insurance Study (FIS) for the City of Middletown, dated August 28, 2008, and accompanying Flood Insurance Rate Maps (FIRM) and/or Flood Boundary and Floodway Maps (FBFM), dated August 28, 2008, and other supporting data, and any subsequent revisions thereto, are adopted by reference and declared to be a part of this code. Since mapping is legally adopted by reference into this code it must take precedence when more restrictive until such time as a map amendment or map revision is obtained from FEMA. The SFHA includes any area shown on the FIRM as Zones A, A1-30, AE, AO, and AH, including areas designated as a floodway on a FIRM or FBFM. SFHAs are determined utilizing the base flood elevations (BFE) provided on the flood profiles in the Flood Insurance Study (FIS) for a community. BFEs provided on Flood Insurance Rate Map (FIRM) are only approximate (rounded up or down) and should be verified with the BFEs published in the FIS for a specific location. Also included are areas of potential, demonstrable or historical flooding, including any area contiguous with but outside the SFHA identified by FEMA, and where the land surface elevation is lower than the base flood elevation (BFE) as shown in the FIS, and the area is not protected from flooding by a natural or man-made feature. The FIRM, FBFM and FIS are on file in the Department of Land Use, 245 DeKoven Drive Middletown, Connecticut, 06457.
3. Residential Development Prohibition. All new residential development is not allowed in any flood area or flood zone that is reported in most recent FIS and FRIM maps.
4. Non-residential Development Requirement. All new non-residential development will require a special exception from the Planning and Zoning Commission. See §5.6 *Special Exceptions* in addition to the requirement required in this section (§4.17 *Flood Area Management Codes*).
5. Structures Already in Compliance. A structure or development already in compliance with this code shall not be made non-compliant by any alteration, modification, repair, reconstruction or improvement and must also comply with other applicable local, state, and federal regulations. No structure or land shall hereafter be located, extended, converted,

modified or structurally altered without full compliance with the terms of this code and other applicable codes.

6. Abrogation and Greater Restrictions. This code is not intended to repeal, abrogate or impair any existing easements, covenants, or deed restrictions. However, where this code and another ordinance, regulation easement, covenant or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.
  7. Interpretation. In the interpretation and application of this code, all provisions shall be: considered as minimum requirements; 2) liberally construed in favor of the governing body, and; 3) deemed neither to limit nor repeal any other powers granted under State statutes.
  8. Warning and Disclaimer of Liability. The degree of flood protection required by this code is considered the minimum reasonable for regulatory purposes and is based on scientific and engineering consideration and research. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This code does not imply or guarantee that land outside the Special Flood Hazard Area or uses permitted in such areas will be free from flooding and flood damages. This code shall not create liability on the part of the City of Middletown or by any officer or employee thereof for any flood damages that result from reliance on this code or any administrative decision lawfully made thereunder. The City of Middletown, its officers and employees shall assume no liability for another person's reliance on any maps, data or information provided by the City of Middletown.
  9. Severability. If any section, subsection, paragraph, sentence, clause, or phrase of this code should be declared invalid for any reason whatsoever, such decision shall not affect the remaining portions of this code, which shall remain in full force and effect; and to this end the provisions of this code are hereby declared to be severable.
4. *Administration.*
1. Designation of the Local Administrator. The Director of Land Use is hereby appointed to administer, implement and enforce the provisions of this code.
  2. Certification. Where required under this code, a Connecticut registered professional engineer or architect shall certify that the design and methods of construction are in accordance with accepted standards of

practice for meeting the provisions of this code. Such certification must be provided to the Director of Land Use.

3. Establishment of the Floodplain Development Permit. A Floodplain Development Permit shall be required in conformance with the provisions of this code prior to the commencement of any development activities. Permits issued under this code shall expire if actual construction of a permitted structure does not commence within 180 days of the permit approval date.
4. Permit Application Procedures. A floodplain development permit is hereby established for all construction and other development to be undertaken in Special Flood Hazard Areas in this community. Prior to any development activities, application for a floodplain development permit shall be made to the Director of Land Use on forms provided and may include, but not be limited to, plans in duplicate drawn to scale showing, at a minimum, the property lines and location of the parcel; the nature, location, dimensions, and elevations of the area in question; limit and extent of the 100-year floodplain and/or floodway boundary and base flood elevation(s); existing and proposed structures, fill, storage of materials, drainage facilities and the location of the foregoing. Specifically, the following information is required to be submitted to the Director of Land Use:
  1. *Application Stage.* The applicant shall provide at least the following information, where applicable. Additional information may be required on the permit application form.
    1. Base flood elevation (BFE) for the site in question as determined in the FEMA Flood Insurance Study (FIS) or Flood Insurance Rate Map (FIRM). The FIS flood profiles provide more accurate BFE data than the FIRM. The extent of the 100-year floodplain and floodway must be depicted with a boundary line on any site plans and shown in relation to existing and proposed structures or development;
    2. Elevation in relation to mean sea level of the proposed lowest floor, including basement, of all new construction, substantial improvements or repairs to structures that have sustained substantial damage;
    3. Elevation in relation to mean sea level to which any non-residential new construction, substantial improvements or repair to structures that have sustained substantial damage will be dry flood-proofed;
    4. Description of the extent to which any watercourse will be altered or relocated as a result of the proposed

development. Computations by a licensed professional engineer must be submitted that demonstrate that the altered or relocated segment will provide equal or greater conveyance than the original stream segment. The applicant must submit any maps, computations or other materials required by the Federal Emergency Management Agency (FEMA) in order to officially amend or revise the Flood Insurance Rate Map. The applicant must pay any fees or other costs assessed by FEMA for this purpose. The applicant must also provide assurances that the conveyance capacity of the altered or relocated stream segment will be maintained;

5. A statement and supporting documentation (all costs of project, market value of structure, etc.) verifying that the proposed alterations to an existing structure meets or does not meet the criteria of the substantial improvement and/or substantial damage definition. If a development meets the definition of substantial improvement and/or substantial damage, the structure must be brought into compliance with all floodplain codes as if it was new construction;
6. Where applicable the following certifications by a Connecticut registered engineer or architect are required, and must be provided to the Director of Land Use. The design and methods of construction must be certified to be in accordance with accepted standards of practice and with the provisions of *§4.17.5.3 Specific Standards*.
  1. Non-residential flood-proofing must meet the provisions of *§4.17.5.3.1.2 Non-Residential Construction*);
  2. Fully enclosed areas below the base flood elevation (BFE) must meet the minimum design criteria in *§4.17.5.3.1.3*);
  3. No (0.00) increase in floodway water surface elevations are allowed. Any development in a floodway must meet the provisions of *§4.17.5.3.1.4 Standards for Development in Areas of Shallow Flooding (Zones AO and AH)*);
  4. Support structures and other foundation members shall be certified by a registered professional engineer or architect as designed in accordance with ASCE24, Flood Resistant Design and Construction.

2. *Construction Stage.* Upon completion of the applicable portion of construction, the applicant shall provide verification to the Director of Land Use of the following as is applicable:
  1. Lowest floor elevation shall be verified for:
    1. A structure in Zones A, AE, A1-30, AO or AH is the top of the lowest floor (including basement). An elevation certificate prepared by a Connecticut licensed land surveyor, engineer or architect must be provided;
    2. A non-residential structure which has been dry flood-proofed is the elevation to which the flood-proofing is effective (Note: For insurance purposes, a dry flood-proofed, non-residential structure is rated based on the elevation of its lowest floor unless it is flood proofed to one foot above the BFE.) A FEMA Flood proofing Certificate (FEMA Form 81-65) prepared by a Connecticut licensed engineer or architect must be provided;
  2. Deficiencies detected by the review of the above listed shall be corrected by the permit holder immediately and prior to further progressive work being permitted to proceed. Failure to submit the survey or failure to make said corrections required hereby, shall be cause to issue a stop-work order for the project.
  
5. Duties and Responsibility of the Local Administrator. Duties of the Director of Land Use shall include, but not be limited to:
  1. Review all permit applications for completeness, particularly with the requirements of *§4.17.4.4.1 Application Stage*.
  2. Review all permit applications to determine whether the proposed development and building sites will be reasonably safe from flooding.
  3. Review all development permits to assure that the permit requirements of this code have been satisfied.
  4. Notify the regional planning agency and affected municipality at least 35 days prior to a public hearing if any change of code or use of a flood zone will affect an area 500 ft. of another municipality.
  5. Notify the adjacent communities and the Department of Energy and Environmental Protection (DEEP), Inland Water Resources Division, prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency.
  6. Where interpretation is needed as to the exact location of boundaries of the area of special flood hazard (for example,

where there appears to be a conflict between a mapped boundary and actual field conditions) the Director of Land Use shall make necessary interpretation. The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided §4.17.7.16.

7. When base flood elevation data or floodway data have not been provided in accordance with §4.17.3.2 *Basis for Establishing the Special Flood Hazard Areas (SFHA)* and Section §4.17.4.4 *Permit Application Procedure*, the Director of Land Use shall determine the application to be incomplete and deny approval of the application without prejudice.
8. All records pertaining to the provisions of this code shall be obtained and maintained in the office of the Director of Land Use.

6. Responsibilities of the Applicant. The applicant shall be responsible for the following, in addition to requirement set forth in this Section (§4.17 *Flood Area Management Codes*).

1. Seek all necessary permits that may be required by State and Federal Agencies, such permits include, but are not limited to, Stream Channel Encroachment Line (SCEL) Permit, Coastal Area Management (CAM) Permit, Water Diversion Permit, Dam Safety Permit, and Army Corps of Engineers 401 and 404 Permits.
2. Assure that maintenance is provided within the altered or relocated portion of said watercourse so that the flood carrying capacity is not diminished.
3. Obtain and maintain the elevation (in relation to mean sea level) of the lowest floor (including basement) of all new construction, substantial improvements or repair to a structure that has sustained substantial damage. Obtain Elevation Certificates provided by the applicant and prepared by a Connecticut licensed land surveyor, engineer or architect containing this information and record it with the Director of Land Use.
4. Obtain and maintain the elevation (in relation to mean sea level) to which the new construction, substantial improvement or repair to a structure that has sustain substantial damage has been flood-proofed. Obtain a FEMA Floodproofing Certificates for Non-Residential Structures (FEMA Form 81-65). Floodproofing Certificate provided by the applicant and prepared by a Connecticut licensed land surveyor, engineer or architect containing this information and record it with the Director of Land Use.
5. When flood-proofing is utilized for a particular structure obtain certification from a registered professional engineer or architect,

in accordance with *§4.17.5.3.1.2 Non-Residential Construction* and record it with the Director of Land Use.

6. Require the applicant to provide base flood elevation data for all proposed development and subdivisions.
7. Upon completion of the permitted development and prior to issuance of a Certificate of Occupancy (CO), necessary as-built surveys (prepared by a Connecticut Licensed Professional as per Connecticut State Statutes) and engineering and architectural certifications shall be provided to the Director of Land Use demonstrating compliance with the approved plans and standards set forth in *§4.17.4.4 Permit Application Procedures*.

5. *Provisions for Flood Hazard Reduction.*

1. General Standards. In all Special Flood Hazard Areas (SFHAs) the following provisions are required:
  1. New construction, substantial improvements, and structures that have sustained substantial damage shall be constructed using methods and practices that minimize flood damage.
  2. New construction, substantial improvements, and structures that have sustained substantial damage shall be constructed with materials and utility equipment resistant to flood damage.
  3. New construction, substantial improvements, and repairs to structures that have sustained substantial damage shall be anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.
  4. New construction, substantial improvements and repair to structures that have sustained substantial damage cannot be constructed or located entirely or partially over water.
  5. Electrical, heating, ventilation, plumbing, air conditioning equipment, HVAC ductwork, and other service facilities, or any machinery or utility equipment or connections servicing a structure shall be elevated to or above the base flood elevation (BFE) to prevent water from entering or accumulating within the components during conditions of flooding. This includes, but is not limited to, furnaces, oil or propane tanks, air conditioners, heat pumps, hot water heaters, ventilation ductwork, washer and dryer hook-ups, electrical junction boxes, and circuit breaker boxes.
  6. New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system.
  7. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the system and discharges from the system into flood waters.

8. On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding.
9. Above-ground storage tanks (oil, propane, etc.) which are located outside or inside of the structure must either be elevated above the base flood elevation (BFE) on a concrete pad, or be securely anchored with tie-down straps to prevent flotation or lateral movement, have the top of the fill pipe extended above the BFE, and have a screw fill cap that does not allow for the infiltration of flood water.
10. In any portion of a watercourse that is altered or relocated, the flood carrying capacity must be maintained. Notify adjacent communities and the Connecticut Department of Energy and Environmental Protection (DEEP), Inland Water Resources Division prior to any alteration or relocation of a watercourse.
11. If any portion of a structure lies within the Special Flood Hazard Area (SFHA), the entire structure is considered to be in the SFHA. The entire structure must meet the construction requirements of the flood zone. The structure includes any attached additions, garages, decks, sunrooms, or any other structure attached to the main structure. Decks or porches that extend into a more restrictive flood zone will require the entire structure to meet the standards of the more restrictive zone.
12. If a structure lies within two or more flood zones, the construction standards of the most restrictive zone apply to the entire structure (i.e., V zone is more restrictive than A zone; structure must be built to the highest BFE). The structure includes any attached additions, garages, decks, sunrooms, or any other structure attached to the main structure. (Decks or porches that extend into a more restrictive zone will require the entire structure to meet the requirements of the more restrictive zone.)
13. *Compensatory Storage*. The water holding capacity of the floodplain, except those areas which are tidally influenced, shall not be reduced. Any reduction caused by filling, new construction or substantial improvements involving an increase in footprint to the structure, shall be compensated for by deepening and/or widening of the floodplain. Storage shall be provided on-site, unless easements have been gained from adjacent property owners; it shall be provided within the same hydraulic reach and a volume not previously used for flood storage; it shall be hydraulically comparable and incrementally equal to the theoretical volume of flood water at each elevation, up to and including the 100-year flood elevation, which would be displaced by the proposed project. Such compensatory volume shall have an



unrestricted hydraulic connection to the same waterway or water body. Compensatory storage can be provided off-site if approved by the municipality.

14. *Equal Conveyance.* Within the floodplain, except those areas which are tidally influenced, as designated on the Flood Insurance Rate Map (FIRM) for the community, encroachments resulting from filling, new construction or substantial improvements involving an increase in footprint of the structure, are prohibited unless the applicant provides certification by a registered professional engineer demonstrating, with supporting hydrologic and hydraulic analyses performed in accordance with standard engineering practice, that such encroachments shall not result in any (0.00 ft. ) increase in flood level (base flood elevation). Work within the floodplain and the land adjacent to the floodplain, including work to provide compensatory storage shall not be constructed in such a way so as to cause an increase in flood stage or flood velocity.
15. *Dry Land Access.* Each new non-residential development in the Special Flood Hazard Area (Zones A, A1-30, AE, AO, AH) shall have direct access to a walkway, driveway, or roadway whose surface elevation is not less than the base flood elevation (BFE) and such escape route shall lead directly out of the floodplain area.

2. Standards for Watercourses without Established Base Flood Elevations (Un-numbered A Zone), Adopted Floodways and/or Flood Mapping.

1. Any new development shall require base flood elevation (BFE) data be provide with any application for new construction, substantial improvement, repair to structures which have sustained substantial damage or other development in Zone A without a FEMA-published BFE (un-numbered A Zone). Any new development shall obtain, review and reasonably utilize any BFE and floodway data available from a federal, state or other source, including data developed for subdivision proposals, as criteria for requiring that new construction, substantial improvements, repair to structures which have sustained substantial damage or other development in un-numbered A Zones on the community's Flood Insurance Rate Map (FIRM) meet the standards in §4.17.4.4 *Permit Application Procedures* and §4.17.5.3 *Specific Standards*. If no BFE can be determined, the lowest floor, including basement, must be elevated to two feet above the highest adjacent grade next to the structure.
2. When BFEs have been determined within Zones A1-30 and AE on FIRM but a regulatory floodway has not been designated, no new construction, substantial improvements, repair to structures

which have sustained substantial damage or other development, including fill, shall be permitted which will increase the water surface elevation of the base flood more than one (1.0) foot at any point within the community when all existing and anticipated development is considered cumulatively with the proposed development.

3. When watercourses without FEMA-published floodways are local with a new development the community shall adopt a regulatory floodway based on the principle that the floodway must be able to convey the waters of the base flood without increasing the water surface elevation more than one (1.0) foot at any point within the community.
4. Any new construction, substantial improvements, repair to structures which have sustained substantial damage or other development in any area of potential, demonstrable or historical flooding within the community meet the standards in *§4.17.4.4 Permit Application Procedures* and *§4.17.5.3 Specific Standards*.
5. Under the provisions of 44 CFR Chapter 1, §65.12, of the National Flood Insurance Program regulations, a community may approve certain development in Zones A1-30, AE, AH, on the community's FIRM which increases the water surface elevation of the base flood by more than one (1.0) foot, provided that the community first completes all of the provisions required by §65.12.

3. Specific Standards.

1. *Construction Standards in Special Flood Hazard Areas (SFHA), Zones A, A1-30, AE.*
  1. Residential Construction. All substantial improvements, and repair to structures that have sustained substantial damage which are residential structures shall have the bottom of the lowest floor, including basement, elevated one foot above the base flood elevation (BFE). Electrical, plumbing, machinery or other utility equipment that service the structure must be elevated to or above the BFE. All new construction residential shall not be allowed in the SFHA.
  2. Non-Residential Construction. All new construction, substantial improvements, and repair to structures that have sustained substantial damage which are commercial, industrial or non-residential structures shall:
    1. Have the bottom of the lowest floor, including basement, elevated one foot above the base flood elevation (BFE); or

2. In lieu of being elevated, non-residential structures may be dry flood-proofed to one foot above the BFE provided that together with all attendant utilities and sanitary facilities the areas of the structure below the required elevation are watertight with walls substantially impermeable to the passage of water, and provided that such structures are composed of structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy. A Connecticut registered professional engineer or architect shall review and/or develop structural design specifications and plans for the construction, and shall certify that the design and methods of construction are in accordance with acceptable standards of practice for meeting the provisions of this section. Such certification shall be provided to the Director of Land Use on the FEMA Floodproofing Certificate, Form 81-65.
3. Electrical, plumbing, machinery or other utility equipment that service the structure must be elevated to or above the BFE.
3. Fully Enclosed Areas Below The Base Flood Elevation (BFE) are prohibited for all new construction, substantial improvements, or repairs of substantial damage to residential or non-residential structures. These areas are formed by solid foundation wall below the base flood elevation that are designed to allow for the automatic entry and exit of flood waters and do not contain finished living space.
2. *Manufactured (Mobile) Homes and Recreational Vehicles (RVs).* Manufactured (Mobile) Homes and Recreational vehicles (RVs) are prohibited in all Special Flood Hazard Areas (SFHAs). This includes SFHAs outside a manufactured home park or subdivision, in a new manufactured home park or subdivision, in an expansion to an existing manufactured home park or subdivision, or on a site in an existing park which a manufactured home has incurred substantial damage as a result of a flood.
3. *Floodways.* Located within Special Flood Hazard Areas (SFHA) are areas designated as floodways on the community's Flood Insurance Rate Maps (FIRM) or Flood Boundary and Floodway Maps (FBFM). Since the floodway is an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles and has erosion potential, no encroachments,

including fill, new construction, substantial improvements, repairs to substantially damaged structures and other developments shall be permitted unless certification, with supporting technical data, by a Connecticut licensed professional engineer is provided demonstrating that encroachments shall not result in any (0.00 ft.) increase in flood levels during occurrence of the base flood discharge. Fences in the floodway must be aligned with the flow and be of an open design. A permit may be given which allows encroachments resulting in increases in base flood elevations provided the community first obtains a conditional floodway revision by meeting the requirements of *C.F.R. 44, Chapter 1, §65.12*.

4. *Standards for Development in Areas of Shallow Flooding (Zones AO and AH)*. Located within the Special Flood Hazard Areas (SFHA) are areas designated as shallow flooding areas (AO and AH Zones). These areas have flood hazards associated with base flood depths of one to three feet where a clearly defined channel does not exist and where the path of flooding is unpredictable and indeterminate. In AO and AH zones, the following provisions apply:

1. For residential structures, all new construction, substantial improvements and repair to structures that have sustained substantial damage shall have the lowest floor, including basement, elevated to one foot above the depth number specified on the Flood Insurance Rate Map (FIRM), in feet, above the highest adjacent grade. If no depth number is specified, the lowest floor, including basement, shall be elevated, at least three feet above the highest adjacent grade. All new construction residential shall not be allowed in the Zones AO and AH.
2. For non-residential structures, all new construction, substantial improvements and repair to structures that have sustained substantial damage shall:
  1. Have the lowest floor, including basement, elevated to one foot above the depth number specified on the Flood Insurance Rate Map (FIRM), in feet, above the highest adjacent grade. If no depth number is specified, the lowest floor, including basement, shall be elevated at least three feet above the highest adjacent grade; or
  2. Together with attendant utility and sanitary facilities be completely flood-proofed to or above the depth number, in feet, specified on the FIRM above the highest adjacent grade, or if no depth

number is specified at least three feet above the highest adjacent grade, so that any space below that level is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. Designs for complying with this requirement must be certified by either a Connecticut licensed professional engineer or architect.

3. On-site drainage for all proposed structures in AO and AH Zones located on slopes shall provide adequate drainage paths to guide flood waters around and away from such structures.
5. Critical facilities are prohibited in all Special Flood Hazard Areas (SFHA).
6. *Standards for the Placement of Fill in the Special Flood Hazard Area, Zones A, A1-30 and AE.* The following standards apply to all fill activities in the Special Flood Hazard Area:
  1. Fill material, upon which structures will be constructed or placed, must be compact to 95% of the Maximum Dry Density obtainable with the Standard Proctor Test method according to the ASTM Standard D-698 or an acceptable equivalent method. Fill soils must be fine-grained soils of low permeability, such as those classified as CH, CL, SC, or ML according to ASTM Standard D-2487, Classification of Soils for Engineering Purposes.
  2. Fill slopes shall not be steeper than one foot vertical to two feet horizontal.
  3. Adequate protection against erosion and scour is provided for fill slopes. When expected velocities during the occurrence of the base flood of five feet per second armoring with stone or rock protection shall be provided. When expected velocities during the base flood are five feet per second or less protection shall be provided by covering them with vegetative cover.
  4. Fill shall be composed of clean granular or earthen material. Fill material must be homogeneous and isotropic. The soil must be all of one material and the engineering properties must be the same in all directions.
7. *Prohibited Uses.* The following uses are prohibited in the Special Flood Hazard Area (SFHA):
  1. Storage or processing of dangerous materials.
  2. Critical Facilities.

3. The storage of materials or equipment that, in time of flooding, could become buoyant and pose an obstruction to flow in identified floodway areas is prohibited. Construction materials and inventory at lumberyards, building supply centers, manufacturing facilities, and landscaping or garden supply stores are included. Storage of material or equipment not otherwise prohibited shall be firmly anchored to prevent flotation or lateral movement.
6. *Design Standards for Subdivision Proposals.* If a proposed subdivision, including the placement of a manufactured home park or subdivision, is located in or has portions located in a Special Flood Hazard Area (SFHA) the following requirements shall apply:
  1. All subdivision proposals shall be consistent with the need to minimize flood damage;
  2. All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage;
  3. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood hazards; and
  4. In all special flood hazard areas where base flood elevation (BFE) data is not available, the applicant shall provide a hydrologic and hydraulic engineering analysis performed by a Connecticut licensed professional engineer that generates BFEs for all subdivision proposals and other proposed development, including manufactured home parks and subdivisions. The applicant shall provide BFE data for all subdivision proposals, including manufactured home parks and subdivisions, as per §4.17.4.6.6.
  5. All subdivision proposals shall provide the boundary of the SFHA, the floodway boundary, and base flood elevation.
  6. Approval shall not be given for streets within a subdivision which would be subject to flooding. All street surfaces must be located at or above the base flood elevations.
  7. In subdivisions, all proposed lots or parcels that will be future building sites shall have a minimum buildable area outside the natural (non-filled) 100-year floodplain. The buildable area shall be large enough to accommodate any primary structures and associated structures such as

sheds, barns, swimming pools, detached garages, on-site sewerage disposal systems, and water supply wells, if applicable.

7. *Enforcement.* Each Floodplain Development Permit shall authorize, as a condition of approval, the Zoning and Wetlands Enforcement Officer to make regular inspections of the subject property. The Zoning and Wetlands Enforcement Officer is also authorized to inspect any property in a Special Flood Hazard Area (SFHA) where it appears that violations of these codes may be taking place. If the Zoning/ Blight Enforcement Officer finds that any person is undertaking any construction, substantial improvement, filing, or any other activity or maintaining a condition which in violation of these codes, the Zoning and Wetlands Enforcement Officer shall:
  1. Issue a written order by certified mail, return receipt requested, to the subject property owner, ordering that the activity cease and ordering the property owner to either seek to obtain a Floodplain Development Permit prior to continuing with the activity or, if appropriate, ordering that all violations and/or obstructions be removed from the Special Flood Hazard Area (SFHA) immediately.
  2. Notify the Building Inspector and request that any floodplain development permit(s) in force be revoked or suspended and that a stop work order be issued.
  3. The Zoning and Wetlands Enforcement Officer may suspend or revoke a Floodplain Development Permit if it is found that the applicant has not complied with the terms, conditions or limitations set forth in the permit or has exceeded the scope of work as set forth in the application including application plans. Prior to revoking any permit, the Zoning/Wetlands Enforcement Officer shall issue notice to the permittee, personally or by certified mail, return receipt requested, setting forth the facts or conduct which warrants the intended action.
  4. Failure to comply with any written order issued under this section shall be considered a violation of these codes and is subject to the penalties described in *§4.17.8 Penalties for Violation*.
  5. In the event violations or obstructions are not promptly removed from the Special Flood Hazard Area (SFHA), the Zoning and Wetlands Enforcement Officer may take necessary corrective action allowed by the City Ordinance, Connecticut Statutes and/or Federal Regulations, or may notify the Connecticut Department Energy & Environmental Protection, or may direct the Director of Public Works to cause such work to be done and to place a lien against the property.

6. Any person subjected to enforcement action pursuant to this code, may appeal any requirement, decision, determination of the Zoning and Wetlands Enforcement Officer to the Zoning Board of Appeals. Such person shall provide such information as necessary including appropriate certifications from a registered professional engineer or architect in order to substantiate the claim that the requirement, decision, or determination of the Zoning/ Blight Enforcement Officer was in error or unwarranted.
7. Nothing contained herein shall prevent the owner of a residential dwelling, commercial or industrial building existing at the time off the adoption of code from repairing, replacing or restoring said building or the components thereof to substantially the same character and form as existed at the time of such adoption.
8. *Penalties for Violation.* Any violation of the provisions of this code or failure to comply with any of its requirements, including violation of conditions and safeguards established in connection with grant of variances or special exceptions, shall constitute a misdemeanor. Any person who violates this code or fails to comply with any of its requirements shall, upon conviction thereof, be fined a penalty of \$250.00 per day and in addition shall pay all costs and reasonable legal fees involved in the case. Nothing herein contained shall prevent the City of Middletown from taking such lawful action as is necessary to prevent or remedy any violation.
9. *Variance Procedures.* §5.1.8 *Variances from the Zoning Code* provides the requirements for applying for a variance to the Middletown Zoning Code. A request to receive a variance from §4.17 *Flood Area Management Codes* or any part of §4.17 *Flood Area Management Codes*, will require the following additional listed in this section in order for a variance to be granted. The City of Middletown shall maintain all records of all appeal actions and report any variances to the Federal Emergency Management Agency (FEMA) upon request.
  1. Specific Situation Variances.
    1. Buildings on a Historic Register-Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places, the State Inventory of Historic Places, or any locally-adopted historic district with regard to the procedures set forth in the remainder of this section and provided the proposed reconstruction, rehabilitation or restoration will not result in the structure losing its historic designation.
    2. Functionally Dependent Use or Facility-Variances may be issued for new construction and substantial improvements and other development necessary for the conduct of a functionally



dependent use or facility provided the structure or other development is protected by methods that minimize flood damage, creates no additional threat to public safety and meet all the requirements of *§4.17.5 Provisions for Flood Hazard Reduction*.

3. Floodway Prohibition-Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

2. Considerations for Granting of Variances. The Zoning Board of Appeals shall consider all technical evaluations, all relevant factors, all standards specified in other *§4.17 Flood Area Management Codes* and the items listed below as *§4.17.9.2.1 through §4.17.9.2.11*. Upon consideration of these factors and the purposes of this code, the Zoning Board of Appeals may attach such conditions to the granting of variances as it deems necessary to further the purposes of this code.

1. The danger that materials may be swept onto other lands to the injury of others;
2. The danger to life and property due to flooding or erosion damage;
3. The susceptibility of the proposed facility and its contents to flood damage and the effects of such damage on the individual owner;
4. The importance of the services provided by the proposed facility to the community;
5. The necessity of the facility to waterfront location, in the case of a functionally dependent facility;
6. The availability of alternative locations not subject to flooding or erosion damage for the proposed use;
7. The compatibility of the proposed use with existing and anticipated development;
8. The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
9. The safety access to the property in times of flood for ordinary and emergency vehicles;
10. The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site; and
11. The cost of providing governmental services during and after flooding conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electric and water systems, and streets and bridges.

3. Conditions for Variances.

1. Variances shall only be used upon a determination that the variance is the minimum necessary to afford relief considering the flood hazard; and in the instance of a historical building, a determination that the variance is the minimum necessary as not to destroy the historic character and design of the building and result in the loss of historic designation of the building. Variances pertain to a piece of property and are not personal in nature. A properly issued variance is granted for a parcel of property with physical characteristics so usual that complying with the code would create an exceptional hardship to the applicant or the surrounding property owners. Those characteristics must be unique to that property and not be shared by adjacent parcels. For example, economic or financial hardship is not sufficient cause for a variance, nor are inconvenience, aesthetic considerations, physical handicaps, personal preferences or disapproval of one's neighbors.
2. Variances shall only be used upon (i) a showing of good and sufficient cause, (ii) a determination that failure to grant the variance would result in exceptional hardship, and; (iii) a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisance, damage the rights or property values of other persons in the area, cause fraud on or victimization of the public, or conflict with existing local laws, ordinances or codes. Only hardships that are based on unusual or unique physical characteristics of the property in question, characteristics that are not shared by adjacent parcels, shall qualify to meet subsection (ii) above. Claims of hardship based on the structure, on economic gain or loss, or on personal or self-created circumstances are not sufficient causes for the granting of a variance.
3. No variance may be issued within a regulatory floodway that will result in any increase in the 100-year flood levels. A variance may be issued for new construction, substantial improvements and other development necessary for the conduct of a "functionally dependent use" provided that there is good and sufficient cause for providing relief; and the variance does not cause a rise in the 100-year flood level within a regulatory floodway. The structure and other development must be protected by methods that minimize flood damages.
4. Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with the lowest floor elevation below the base flood elevation (BFE) and the elevation, and that the cost of flood insurance will be

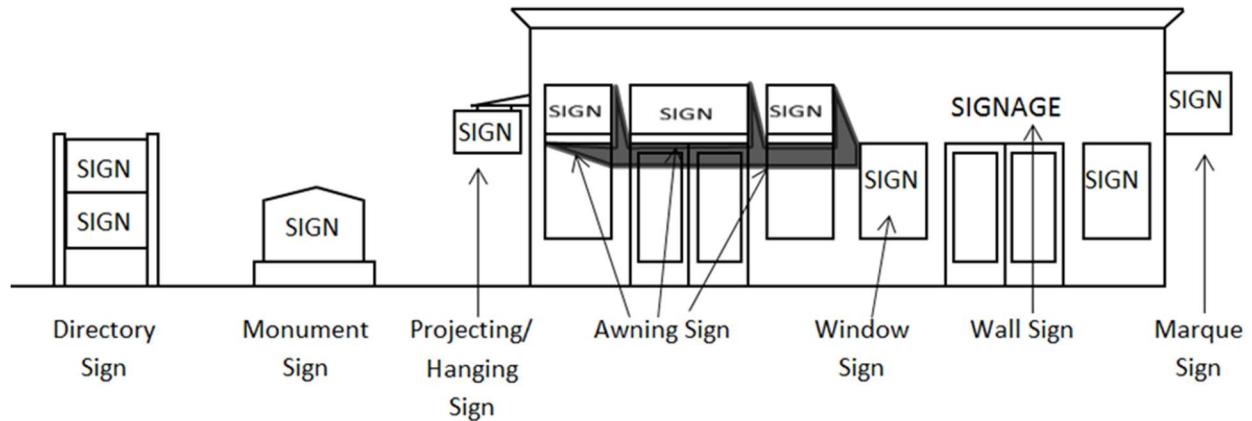
commensurate with the increased risk resulting from the lowest floor elevation.

#### **§4.18 Signs.**

1. *General Requirements.* The following codes and standards are established to assure compatibility of signs with surrounding land usage, to conserve property values in all zones, and to strengthen the economy of the City. All signs hereafter erected or maintained, except official traffic and street signs, shall conform to the provisions of this section. The standards in this section are minimum requirements; significant consideration should be made to meet the design guidelines.
2. *Design Guidelines.* In general signs should be constructed of high quality materials. Signs should be designed for a specific site in order to enhance the aesthetics of the business while improving the quality of its surroundings.
  1. Signs should be integrated into the design of the building.
  2. Placement of signs should consider all architectural features of the building façade as to improve the overall appearance of a building.
  3. Signs should be pedestrian oriented. Signs should be able to communicate its message in the simplest way possible. Pedestrians should be able to easily read a sign due to the choice of colors, fonts, textures and materials.
  4. Illumination should be as subtle as possible and used only when necessary for lettering and logos. There should be as little excess lighting as possible, background areas should be opaque.
3. *General Codes.*
  1. Review. All new signage shall be reviewed by the Design Review and Preservation Board to ensure conformance to the codes set forth in Chapter 48 of the Zoning Code as amended, the Middletown Design Guidelines, as amended and the Middletown Signage Illumination Guidelines, as amended.
  2. Maintenance. All signs and components thereof shall be kept in good repair and in a safe, neat, clean and attractive condition.
  3. On-Site Advertising. All signs shall be related to business or organization located on the premises. The sign shall be located within the parcel's property lines.

4. Non-Existing Businesses. Any sign which no longer advertises a bonafide business conducted, product sold or activity or campaign being conducted shall be taken down and removed by the owner, agent or person having the beneficial use of the building, structure or lot upon which such signs may be found within 30 days of such cessation. Upon failure to comply within the time specified, the Building Inspector is hereby authorized to order removal of such sign, within 21 days of a written notification, and expense incident thereto shall be paid by the owner of the building, structure or lot to which such sign is attached.
5. Visibility. The exposed back of every outdoor advertising sign shall be effectively shielded from view from a public street by: an adjacent building; other substantial facing on the same structure of comparable size; or by the painting of such exposed back by the sign owner in a neutral color. Unless topographically impractical, new or rebuilt outdoor advertising ground structures shall be of the cantilever type to lessen possibility of unsightly "A" frame construction.
6. Placement. No sign shall be located in such a manner as to obstruct the light and vision of a window, nor extend above the roof, parapet line of the building or above a marquee face to which the sign is attached.

4. *Requirements of specific types of signs.* Codes for number, height and area can be found in their respective tables at the end of this document.



1. Wall Signs. Wall Signs shall only promote the name and/or street number of the business on which it is located.
2. Projecting and Hanging Signs.
  1. Signs shall not project more than 48 in. from the façade of a building and may be no lower than 10 ft. from the sidewalk or gradient

2. Hanging signs must be securely fastened.
3. Ground/Free Standing Signs. Ground/Free Standing Signs shall only promote the name and/or street number of the business or businesses which are located on the property.
  1. If a free standing sign is located on a parcel of which the primary building has multiple tenants the name of the building/plaza and street number shall be represented on the sign.
  2. If the sign is located on a lot with a single building, the sign shall include the name of the business and street number.
    1. Lighting. The lighting of a ground sign shall be concealed ground lighting as and shall be done so as to reduce any excess light and glare
    2. Height. The maximum height of any ground or free standing sign shall be 10 ft. from the sidewalk
    3. Free Standing Sign Height Exception. A structure that is designed to resemble a tower, water tower, windmill, brick smoke stack, or other farm or industrial structure may be approved by the Design Review and Preservation Board, provided that the height of the entire structure is greater than 28 ft.
    4. Free Standing signs shall not be permitted in the Central Business (B-1) zone.
4. Directory Signs. The construction, placement and all other aesthetic aspects of directory signs shall meet all rules and codes set forth in this document. Codes can be found at the end of this document.
  1. *Content.*
    1. Directory Signs shall have the name of the plaza or shopping center of which it is located and/or the street number of which it is located.
    2. There shall be a maximum of eight individual tenants placed on the sign.
    3. Individual tenant signs placed on the directory signs shall meet the guidelines set forth in §4.18.2 *Design Guidelines.*
  2. *Lighting.* The lighting of a directory sign shall be done with concealed ground lighting as and shall be done so as to reduce any excess light and glare.
  3. *Placement.* Directory signs located on the same side of the street shall be located a minimum of 150 ft. apart.
  4. *Height.* The maximum height of any ground or free standing sign shall be 10 ft. from the sidewalk.

5. Gasoline Price Signs. Electronic or digital price signs are permitted, provided the area of this component is no greater than 35% of the freestanding sign area.

6. Commercial Zones.

<u>Zone</u>	<u>Number Permitted</u>	<u>Allowable Area</u>	<u>Illumination</u>
B1	2 building signs	2 sq. ft. per linear foot along storefront or maximum 150 sq. ft. whichever is less.	Non- illuminated, External illumination, Internal Lettering and Logo illumination.
B2	2 building signs 1 freestanding sign per property	2 sq. ft. per linear foot along storefront or maximum 150 sq. ft. whichever is less. Freestanding sign shall not exceed 30% of allowed area.	Non- illuminated, External illumination, Internal Lettering and Logo illumination.
MXC	2 freestanding or building signs 1 freestanding sign per property	1 sq. ft. per linear foot along storefront or maximum 150 sq. ft. whichever is less. Freestanding sign shall not exceed 30% of allowed area.	Non- illuminated, External illumination, Internal Lettering and Logo illumination.
NPC- Not listed on the historic inventory	2 freestanding or building signs 1 freestanding sign per property	2 sq. ft. per linear foot along storefront or maximum 150 sq. ft. whichever is less. Freestanding sign shall not exceed 30% of allowed area.	Non- illuminated, External illumination, Internal Lettering and Logo illumination.
NPC- Listed on the historic inventory	1 freestanding sign per property.	1 square foot per linear foot along storefront or maximum 75 sq. ft. whichever is less.	Non- illuminated and External illumination.
MXR or MXC- Not listed on the historic inventory	1 freestanding or building signs 1 freestanding sign per property	1 square foot per linear foot along storefront or maximum 150 sq. ft. whichever is less. Freestanding sign shall not exceed 30% of allowed area.	Non- illuminated, External illumination, Internal Lettering and Logo illumination.
MXR or MXC - Listed on the historic inventory	1 freestanding sign per property.	1 square foot per linear foot along storefront or maximum 75 sq. ft. whichever is less.	Non- illuminated and External illumination.

<u>Zone</u>	<u>Number Permitted</u>	<u>Allowable Area</u>	<u>Illumination</u>
MXI- Not listed on the historic inventory	2 freestanding or building signs 1 freestanding sign per property	1 square foot per linear foot along storefront or maximum 150 sq. ft. whichever is less. Freestanding sign shall not exceed 30% of allowed area.	Non- illuminated, External illumination, Internal Lettering and Logo illumination.
MXI- Listed on the historic inventory	1 freestanding sign per property.	1 square foot per linear foot along storefront or maximum 75 sq. ft. whichever is less.	Non- illuminated and External illumination.

7. Industrial Zones.

<u>Zone</u>	<u>Number Permitted</u>	<u>Allowable Area</u>	<u>Illumination</u>
I1	1 freestanding or building signs 1 freestanding sign per property	1 sq. ft. per linear foot along storefront or maximum 150 sq. ft. whichever is less. Freestanding sign shall not exceed 30% of allowed area.	Non- illuminated and External illumination.
I2	2 freestanding or building signs 1 freestanding sign per property	1 sq. ft. per linear foot along storefront or maximum 150 sq. ft. whichever is less. Freestanding sign shall not exceed 30% of allowed area.	Non- illuminated and External illumination.
I3	1 freestanding or building signs 1 freestanding sign per property	2 sq. ft. per linear foot along storefront or maximum 150 sq. ft. whichever is less. Freestanding sign shall not exceed 30% of allowed area.	Non- illuminated, External illumination, Internal Lettering and Logo illumination.
I4	1 freestanding or building signs 1 freestanding sign per property	1 sq. ft. per linear foot along storefront or maximum 150 sq. ft. whichever is less. Freestanding sign shall not exceed 30% of allowed area.	Non- illuminated and External illumination.
IRA	1 freestanding or building signs 1 freestanding sign per property	2 sq. ft. per linear foot along storefront or maximum 150 sq. ft. whichever is less. Freestanding sign shall not exceed 30% of allowed area.	Non- illuminated, External illumination, Internal Lettering and Logo illumination.
IT	2 freestanding or building signs 1 freestanding sign per property	2 sq. ft. per linear foot along storefront or maximum 200 sq. ft. whichever is less.	Non- illuminated, External illumination, Internal Lettering and Logo illumination.

<u>Zone</u>	<u>Number Permitted</u>	<u>Allowable Area</u>	<u>Illumination</u>
		Freestanding sign shall not exceed 30% of allowed area.	
IOP	2 freestanding or building signs 1 freestanding sign per property	2 sq. ft. per linear foot along storefront or maximum 150 sq. ft. whichever is less. Freestanding sign shall not exceed 30% of allowed area.	Non- illuminated, External illumination, Internal Lettering and Logo illumination.
IM	2 freestanding or building signs 1 freestanding sign per property	2 sq. ft. per linear foot along storefront or maximum 150 sq. ft. whichever is less. Freestanding sign shall not exceed 30% of allowed area.	Non- illuminated and External illumination.

#### 8. Residential Zones.

<u>Zone</u>	<u>Number Permitted</u>	<u>Allowable Area</u>	<u>Illumination</u>
RPZ	1 building sign 1 freestanding sign per property	12 sq. ft.	Non- illuminated or External illumination
R1	1 freestanding or building sign	12 sq. ft.	Non- illuminated
R15	1 freestanding or building sign	12 sq. ft.	Non- illuminated
R30	1 freestanding or building sign	12 sq. ft.	Non- illuminated
R45	1 freestanding or building sign	12 sq. ft.	Non- illuminated
R60	1 freestanding or building sign	12 sq. ft.	Non- illuminated
DVD	1 freestanding or building sign	12 sq. ft.	Non- illuminated

5. *Calculations of Area and Height of Signs.* The area and height shall be calculated using the following standards.
  1. For a free-standing sign or sign attached to a building, the area of the sign shall be considered to include all lettering, wording, and accompanying designs and symbols, together with the background, whether open or enclosed, on which they are displayed, but not including any supporting framework and bracing which are incidental to the display itself.
  2. For a sign painted upon or applied to a building, the area of the sign shall be considered to include all lettering, wording, and accompanying



designs or symbols, together with any background of a color different from that of the building.

3. For all signs, where a color or graphic pattern constitutes a Corporate or Brand Identification (by custom, contract or practice) as illustrated in advertising or in sign or building designs employed at multiple locations, the full extent of that background color or graphic pattern shall be calculated as part of the sign area when it is associated with any logo, lettering, or other graphic element constituting a sign.
  4. Where the sign consists of individual letters or symbols attached to or painted on a surface, wall or window, the area of the sign shall be considered to be that of the smallest rectangle or other geometric shape which encompasses all letters and symbols.
  5. Only one face of a two-sided sign shall be counted in computing the area of a sign, provided the sign faces are parallel and of equal size.
  6. The height of a sign shall be the vertical distance between the top of a sign and the mean grade of the ground adjoining that portion of the building to which the sign is attached; or that ground within ten ft. of a free-standing sign.
6. *Signage illumination.* The types of signage illumination allowed for a particular sign shall be determined by the requirements set forth in sections §4.18.6 *Commercial Zones*, §4.18.7 *Industrial Zones*, and §4.18.8 *Residential Zones*.
1. The use of energy efficient lighting are recommended.
  2. Signs and lighting fixtures shall be designed as to reduce glare and excess lighting.
1. External Illumination requirements.
    1. Light fixtures used to illuminate signs shall be placed directly above or below the sign.
    2. Lights shall be aimed directly at the signs and should employ screened, hoods or deflectors as to reduce any glare on to adjacent properties.
  2. Internal Lettering and Logo Illumination requirements.
    1. Signs which are internally illuminated shall only light the lettering and logos of the sign and nothing else.
    2. Backlit signs should be designed so that lettering and logos are lit against a dark opaque field
7. *Prohibited Signs.*

1. Obstruction. No sign shall be attached to or obstruct any window, door, stairway or other opening intended for ingress or egress or for needed light and ventilation. Nor shall any sign be attached to any tree, fence or utility pole or be permitted to be painted directly upon the wall or roof of any building.
2. Flashing & Moving. No flashing lights, moving parts, or animated signs are permitted.
3. Changeable Copy Signs. No signs shall include digital or electronic message centers.
4. Roofs. No signs shall be attached to the roof, or painted on the roof, of any building.
5. Off-Site Advertising. All off-site advertising signs are prohibited.
6. Traffic Conflicting Signs. Signs which because of color, shape, wording, content, design, location or illumination conflict with public safety of traffic flow.
7. Emission Signs. No signs shall emit a noise, smoke, or smell.
8. *Temporary Signs*. The following signs shall be permitted anywhere within the City and shall not require a permit.
  1. Construction Signs. Signs which identify the architects, engineers, contractors and other individuals, or firms involved with the construction, but not including any advertisement of any product, and signs announcing the character of the building enterprise for which the building is intended, during the construction period, to a maximum area of 12 sq. ft. for each firm. The signs shall be removed within 30 days of the beginning of the intended use of the project.
  2. Real Estate Signs. Signs advertising the sale, rental or lease of the premises or part of the premises on which the signs are displayed, up to a total area of 12 sq. ft. Such signs shall be removed within 14 days of the sale, rental or lease.
  3. Street Banners. Temporary signs or street banners for a public event or a municipal, charitable or non-profit organization may be erected for a period not to exceed 45 days in any calendar year.
  4. Temporary Wall and/or Window Signs. Signs temporarily attached or temporarily painted on a window or wall, announcing sales or special

features are permitted provided they comply with the requirements set forth in §4.18.2 *Design Guidelines* and §4.18.3 *General Codes*, provided they do not exceed 33% of the window area. Temporary wall and/or window signs shall be non-illuminated. Temporary wall and/or window signs shall be removed immediately after termination of such sale or special feature.

5. Public Hearing Notice. Notice of any public hearing for any reason authorized by this code shall be given as required by the *Connecticut General Statutes*, as amended. Additionally, the applicant shall cause to be posted a sign or signs and written notice to be given notifying the public of a public hearing related to an application for all such hearings. The signs and the written notice shall be the responsibility of the applicant and posted subject to the following conditions:
  1. The sign shall be posted seven calendar days prior to the day of the public hearing, Eight days if the seventh day is a holiday) and shall not be removed by the applicant until the hearing is closed;
  2. The sign shall be firmly secured to the ground or structure to prevent vandalism and shall be along the most visible portion of road frontage. The sign shall be erected in a manner so as to be visible to traffic moving in both directions and be perpendicular to the roadway, except in the case of signs at the end of cul-de-sacs. If there is more than one frontage of the parcel on an improved street or street, one sign for each frontage shall be posted;
  3. The composition of the sign shall be of a durable material (wood or metal) 40 in. by 40 in. in size painted white with black lettering having a minimum height of four inches with a letter stroke of one inch;
  4. The signs shall state the following:
 

NOTICE OF PUBLIC HEARING  
FOR  
(TYPE OF USE)  
AT 7PM IN THE  
(LOCATION)  
ON (DATE OF HEARING)  
FOR INFO: 860-638-4590
  5. The Zoning/ Blight Enforcement Officer shall file a report with the Commission that the sign was observed in place in accordance with the above;
  6. An applicant who fails to display the sign shall be required to withdraw and file a new application and fee;
  7. The sign shall be taken down one week after the public hearing is closed;

8. Any sign not removed shall be ordered to be removed by the Zoning/ Blight Enforcement Officer, who is authorized to rescind and revoke any approval for noncompliance;
9. Applications shall include a list, prepared by the applicant, of the names and mailing addresses of the owners of all parcels of land included within the application and abutting the subject property as shown on the recent records on file in the City Tax Assessor's office (or the actual owners of record if otherwise known by the applicant).
10. If a condominium project abuts such property, the applicant shall list the owners of such units which abut such property directly and the condominium association (all owners not required). The applicant shall mail notification of said pending application to at least one owner of each property not more than 15 days or less than 10 days before the public hearing, by transmitting the text of the public hearing notice as provided by the Commission;
11. Evidence of such mailing, in the form of United States Post Office Certificates of Mailing, shall be submitted to the Planning Office along with the above said list of property owners, not less than five calendar days prior to the hearing date. Failure to comply with any of the procedures required herein, shall be deemed valid basis for denial of the subject request; and
12. These requirements shall apply to any amendment proposed by the Commission unless the proposal would require the mailing of greater than 50 certified letters or the posting of more than two signs.

9. *Exempt Signs.*

1. Public Signs. Signs of a non-commercial nature and in the public interest erected by, or on the order of, a public officer in the performance of his public duty, such as safety signs, danger signs, trespassing signs, traffic signs, memorial plaques, signs of historical interest and the like.
2. Institutional Signs. Signs setting forth the name or any simple announcement for any public charitable, educational or religious institution located entirely within the premises of that institution, up to an area of 24 sq. ft. Such signs may be illuminated in accordance with the codes contained hereinafter. If building mounted, these signs shall be flat wall signs and shall not project above the roof line. If ground mounted, the top shall be no more than six feet above ground level.
3. Integral Signs. Names of buildings, dates of erection, monumental citations, commemorative tablets and the like when carved into stone,

concrete or similar material or made of bronze, aluminum, or other permanent type construction and made an integral part of the structure.

4. Private Traffic Direction Signs. Signs directing traffic movement onto a premise or within a premise, not exceeding three square feet in area for each sign. Illumination of these signs shall be permitted in accordance with the §4.18.6 *Sign Illumination*. Horizontal directional signs on and flush with paved areas are exempt from these standards.
5. Small Signs. Signs not exceeding two square feet in area, attached flat against the building, stationary and not illuminated, announcing only the same name and occupation of building tenant.
6. Rental Signs. Signs on the premises announcing rooms for rent, table board, apartment or house for rent and not exceeding four sq. ft. in area.
7. Vehicle Signs. Signs on vehicles of any kind, provided the sign is painted or attached directly to the body of the original vehicle and does not project or extend beyond the original manufactured body proper of the vehicle.

#### **§4.19 Off-Street Parking and Off-Street Loading.**

1. *Purpose*. The development and execution of a comprehensive Zoning Code are based upon the division of the City into zones, within which the use of land and structure and the bulk and location of structures in relation to the land are substantially uniform. It is recognized, however, that off-street parking and off-street loading requirements are necessary in order: to relieve congestion so that the street can be utilized more fully for movement of vehicular traffic; and to promote the safety and convenience of pedestrians; and to protect adjoining residential area; and to promote the objectives of the *Plan of Conservation and Development* of the City.
2. *General Provisions for Off-Street Parking and Off-Street Loading Spaces*. No land shall be used, occupied, no structure shall be erected, constructed, reconstructed, altered, or used and no use shall be operated unless the off-street parking and/or loading space herein required is provided in at least the amount and maintained in the manner herein set forth; provided, however, that off-street parking and/or loading space need be neither provided nor maintained for land, structures or uses actually used, occupied and operated on the effective date, such land, structures or uses are enlarged, expanded, or altered so as to require a greater amount of off-street parking and/or loading space not required to be furnished by reason of the foregoing exclusion, in which event, the new land structures and new uses shall not be used, occupied or operated unless there is provided the required sum of off-street parking and/or loading space

required therein. Parking spaces reserved for handicapped persons shall be as near as possible to the building entrance or walkway.

1. Electric Vehicle Off-Street Parking Requirements. Any new development that requires 25 or more parking spaces as calculated by *§4.19.4 Quantity of Parking Spaces*, shall have a minimum of one charging space or 3% of the total number of spaces allocated to Electric Vehicles (EVs) (whichever is greater) and must have a Level 2 or 3 charging station/connection per EV parking space. Parking spaces shall be well lit and shall be for public use. Applicants may request a waiver or reduction of electric vehicle parking requirements from the Planning and Zoning Commission during site plan approval.
  2. Electric Vehicle Charging Station Requirements. Electric Vehicle Charging Stations (EVCs) shall be regularly maintained to ensure proper functionality. EVCs shall have clear legible signage stating the volt and amp levels, hours of operation, safety information, usage fees and contact information for maintenance department.
  3. Requests for Reduction of General Parking Spaces in Exchange for Additional EV Parking. For any development that exceeds the minimum number of EVCs as required by *§4.19.2 General Provisions for Off-Street Parking and Off-Street Loading Spaces*, the applicant may ask the approving authority for a reduction in required parking spaces equal to the number of EV parking spaces above the minimum required 3%. The reduction of parking cannot be greater than 10% of the total amount of parking for the proposed development.
3. *Development and Maintenance Standards.* Plans and design standards for areas to be used for off-street parking and/or loading space shall be in conformity with the following:
1. Parking Space Area. Automobile parking spaces shall not be less than nine feet in width and 18 ft. in depth except in Industrial Zones where the width may be eight feet. Special size and arranged parking spaces may be proposed for employees of land-users. In addition, there shall be provided adequate interior driveways and entrance and exit driveways to connect each public parking space with a public right-of-way. Parking spaces reserved for handicapped persons shall not be less than 12 ft. wide.
  2. Surface. All such off-street parking and/or loading facilities shall be so drained as to prevent damage to abutting properties or public street and shall be constructed of asphalt or other such materials acceptable to the Department of Public Works and the Commission which will have a surface reasonably resistant to erosion. Driveway ramps between the

curb and sidewalk shall be constructed of reinforced concrete. All workmanship shall be in accordance with details and specifications of the Department of Public Works.

3. Curbing. All parking and/or loading spaces shall be separated from walkways, sidewalks, streets or alleys by curbing. Any parking area providing parking spaces for more than 100 automobiles shall be separated by curbing and/or landscaped areas at last 15 ft. in width and each area thus created shall not contain more than 100 automobiles.
4. Interior Driveways. Interior driveways shall be at least:
  1. Twenty-four feet wide when used with 70 to 90 degree angle parking. Two way traffic circulation shall be permitted in 24 ft. lanes.
  2. Eighteen feet wide when used with 46 to 69-degree angle parking. One way traffic circulation shall be permitted in 18 ft. lanes.
  3. Fourteen feet wide when used with parallel to 45-degree angle parking. Only one way traffic circulation shall be permitted in 14 ft. lanes.
5. Entrance and Exit. Entrance and exit driveways shall not be less than 15 ft. wide nor more than 25 ft. wide and shall be separately provided whenever possible, except where such driveways are provided for one or two-family dwellings, such minimum width shall be nine feet.
6. Marking. Each parking space shall be clearly marked and pavement directional arrows or signs provided wherever necessary. These markers shall be properly maintained to insure their maximum efficiency. Parking spaces reserved for handicapped persons shall be clearly identified.
7. Buffer between Different Land Uses. When a new land-use (including different housing types) is proposed to be located adjacent to an existing use there shall be a 10 ft. landscaped buffer strip at the edge of the new site in addition to any required yards. The new use shall be screened from the abutting existing use by: (a) hedges or coniferous planting having a height of at least four feet at the time of planning, not more than two feet on center or (b) solid fencing at least six feet in height or a combination of these as shown and approved on the site plan.
8. Lighting. Adequate lighting shall be provided if the parking facilities are used at night. If the parking facilities abut residential land, the lighting shall be installed and arranged so as not to reflect or cause glare onto the abutting residential land.

9. Two or More Uses. Requirements for the provisions of parking facilities with respect to two or more property uses of the same or different types, may be satisfied by the permanent allocation of the requisite facility, cooperatively established and operated, provided that the number of spaces designated is not less than the sum of individual requirements and provided further that the specifications in regard to location, plan, etc. are complied with, except the Planning and Zoning Commission may authorize a reduction of the number of parking spaces on site as part of a shared parking plan. The Commission may require a parking study from a professional traffic engineer in the evaluation of a shared parking plan.
10. Joint Uses. Land or buildings used for two or more purposes, the number of parking spaces required shall be the sum of the requirements for the various individual uses, computed in accordance with this paragraph; parking facilities for one use shall not be considered as providing the required parking facilities for any use, except as provided in §4.19.4 *Quantity of Parking Spaces (Conference Center Complex)*.
11. Backing Out. All parking or loading areas that make it necessary for vehicles to back out directly into a public road are prohibited, provided that this prohibition shall not apply to off-street parking areas of one-family and two-family dwellings.
12. Obstruction. All parking or loading areas shall be constructed so that no part of parked vehicles will extend beyond the parking space so as to obstruct walkways, sidewalks, streets or alleys.
13. Right of Ways. No land within any public right-of-way shall be used in computing the parking or loading areas for a specific use.
14. Covered Areas. All garages or other spaces allocated for parking of vehicles within buildings or in basements or open spaces on the roofs of buildings shall be considered part of the required parking or loading area and may be included as such in computing the quantity of space outlined in this section.
15. Computation of Employees. For the purpose of this section, the number of employees for a use, shall be computed on the basis of the employees on the larger shift.
16. Other Uses. No parking area shall be used for the sale, repair, dismantling or servicing of any vehicles, equipment, materials or supplies.



17. Slope. Whenever possible, parking areas and lots shall be level except for necessary drainage purposes. The maximum permissible slope for any parking area shall be 7%. If parking spaces are provided in areas, which exceed 5% slope, all such spaces shall be parallel to the contour lines of the parking area.

4. *Quantity of Parking Spaces*. The quantity of parking spaces shall be in accordance with this Section. The number of parking spaces reserved for the handicapped shall be the number of accessible spaces required in the State Building Code. Special size and arranged parking spaces may be proposed for employees of land-users.

<u>Use</u>	<u>Quantity of Parking Spaces</u>
Accessory Apartment	1 parking space.
Automobile Filling Station	1 parking space for each gasoline pump, waste room grease rack, or similar service area and one parking space for each two employees.
Automobile Repair and Service Station	1 parking space for each 100 sq. ft. of floor area of the shop or garage and one parking space for each two employees.
Clinic	1 parking space for each 200 sq. ft. of floor area plus one space for each doctor plus one space for each three employees.
Commercial Establishments Devoted to Retail Sales, Trade, Merchandising or Similar Use	1 parking space for each 300 sq. ft. of gross building area per floor. This requirement shall not apply to the Central Business District Commercial Zone.
Civic Clubs, Private Clubs, Lodges, and Similar Uses	1 parking space for each 50 sq. ft. of gross building area per floor.
Dormitories	One parking space for each two students.
Educational Institutions	1 parking space for each two employees, including teachers and administrators, plus sufficient off-street space for safe and convenient loading and unloading students, plus additional facilities for student parking, taking into consideration the total number of students driving automobiles, and the requirements for stadium, gymnasium and auditorium use.
Eleemosynary (Charitable) and Philanthropic Institutions	1 parking space for each two employees, plus such additional.

<u>Use</u>	<u>Quantity of Parking Spaces</u>
Hospital	1 parking space for each 1,000 sq. ft. of floor area, plus one space for each participating staff doctor, plus one space for each five employees.
Housing for Elderly	1 space per bedroom and one visitor space every five units.
Industrial or Manufacturing Establishment	1 parking space for each two employees plus additional parking for customers. However, no use in this category shall have less than three spaces or less than one space every 500 sq. ft. of gross building area.
Warehouse	1 parking space for each two employees plus additional parking for customers. However, no use in this category shall have less than three spaces or less than one space for each 1,500 sq. ft. of gross building area.
Mortuary or Funeral Parlors	1 parking space for every 50 sq. ft. of assembly space and one space for each two employees.
Motel, Tourist Home, Cabin, Hotel, Apartment	1 parking space for each room, cabin, or suite, and one parking space for each two employees.
Multiple-Family Dwellings (Including former category of Housing for Elderly)	1 or fewer Bedrooms: 1 space. Two bedrooms: 2 spaces. Three or more bedrooms: 2 spaces. Building or buildings, parking spaces, driveway and other vehicular ways shall not in their total area exceed more than 40% of the lot area. Commission specifically retains the right to require additional visitor and overflow parking as deemed necessary based on site characteristics.
Office Buildings, Professional Building or Similar Uses	1 parking space for each 300 sq. ft. of gross floor area.
One-Family and Two-Family Dwellings	3 spaces per dwelling.
Additional Living Unit in a Building Designed as a One-Family Dwelling	2 spaces.
Urban Core Living Unit	1 or No Bedrooms: 1 space. Two or more bedrooms: 2 spaces.
Restaurant or Similar Places Dispensing Food, Drinks, or Refreshments	1 parking space for each 50 sq. ft. of floor area devoted to patron use, excluding restrooms, within the establishment, and one parking space for each 80 sq. ft. of ground area devoted to patron use on the

<u>Use</u>	<u>Quantity of Parking Spaces</u>
	property outside the establishment and one space for each two employees.
Rooming Houses Included In Urban Core Living Unit	Same as Urban Core Living Unit.
Golf Driving Range	Off-street parking of at least one and a half spaces for each tee Box plus one space for each employee on the longest work- shift.
Public Assembly for Cultural Entertainment and/or Recreational Uses	1 parking space for each 300 sq. ft. of gross building area per foot. Add plus one space for each four seating capacity.
Child Care Facilities	1 space for each two staff (including teachers, administrators, and voluntary aides) plus one space for each eight enrollees of licensed capacity.
Care/Nursing Home, Community Residential Treatment Facility	1 space for each 300 sq. ft. of gross building area per floor up to six spaces. Thereafter, one space for each 1,000 sq. ft. or part thereof of gross floor area per floor. This requirement shall not apply in the B-1 Zone.
Conference Center Complex	1 space for each guest room in the hotel, plus space for each two employees located on the site, plus one space for each 50 sq. ft. of restaurant dispensing food, drinks or refreshments calculated on the floor area devoted to patron use within the establishment, excluding restrooms. Parking spaces for uses such as ballroom functions, within the Conference Center Complex, whose peak attendance will be at night or on weekends, may be provided by the use of off-street parking facilities on the same or an adjacent lot, which also serve to satisfy parking requirements for daytime and non-weekend uses such as office building.
Indoor Recreational Facility	200 parking spaces. The Commission reserves the right to adjust the parking requirements up or down dependent on the size of the facility and the anticipated intensity of the uses.
Data Center	1 Parking Space per employee on the major shift.
Brewery/ Distillery	Same as a manufacturing use plus additional parking required for the tasting or tap room same as a restaurant use.
Brewpub	Same as a restaurant use.
Farm Winery/ Farm Brewery/ Farm Cidery	As determined by the Planning and Zoning Commission.

<u>Use</u>	<u>Quantity of Parking Spaces</u>
Cannabis Micro-Cultivation	1 parking space for each 300 sq. ft. of gross building area per floor dedicated to retail sales on the premises and 500 sq. ft. of gross building area dedicated for grow space, warehousing, common space or other support space per floor.
Cannabis Retail	1 parking space for each 300 sq. ft. of gross building area per floor.
Bottle Redemption Center	1 parking space per 300 sq. ft. of gross floor area.
All Other Uses Not Mentioned or Variations of Listed Uses	The minimum number of parking spaces required shall be determined by the Planning and Zoning Commission to be needed to prevent frequent parking on the street. Where the Planning and Zoning Commission determines the number of parking spaces, the decision of said Commission shall be based upon 1.) standards set forth herein for uses with similar characteristics; 2.) previous experience with similar uses; and 3.) the staff's recommendations based on research about similar uses in Middletown and surrounding communities.

5. *Development Standards for Off-Street Loading Spaces.* Plans and design standards for areas to be used of off-loading spaces shall conform to the following:
1. Loading Area. Each off-street loading space shall be at least 14 ft. wide; have a vertical clearance of, at least, 15 ft.; and shall be at least 33 ft. in length; or as determined by the Commission.
  2. Location. Off-street loading spaces shall not be located between the building line and the street line (front yard).

6. *Quantity of Loading Spaces.* The quantity of loading spaces shall be in accordance with the following:

1. Uses Which Are Primarily Concerned with the Handling of Goods.

Gross Floor Area (Sq. Ft)	Quantity of Loading Spaces
2,400 to 20,000	1
20,001 to 50,000	2
50,001 to 80,000	3
Each additional 45,000	1 Additional

2. Uses Which Are Not Primarily Concerned with the Handling of Goods.

Gross Floor Area (Sq. Ft)	Quantity of Loading Spaces
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2,400 to 75,000	1
75,001 to 200,000	2
200,001 to 333,000	3
Each additional 150,000	1 Additional

3. When one establishment has two or more distinct uses, such uses shall be measured separately for the purpose of determining the quantity of spaces required.
4. Conference Center Complex. A Conference Center Complex shall require one loading space.
5. Refuse and Recycling Areas. All multi-family buildings containing four or more dwelling units and all non-residential buildings shall be required to have loading and/or storage areas for refuse and for recyclable materials as required by §11.17 and §11.18 of the Code of Ordinances, as amended.
6. Data Center. A Data Center shall require one loading space.
7. *Discontinuance*. Once any required parking or loading space has been established within the provisions of this section, whether on the same lot as the structure or use to which it is assigned or on a separate lot, such parking or loading space shall not be discontinued if the result would be a reduction below the amount of parking or loading required by this section. Any such discontinuance of a parking or loading space shall constitute a violation of this ordinance.
8. *Appeals*. In any case where off-street parking or loading space has been provided in compliance with the standards of this section and subsequently there is a change in the use of the property, or any other circumstance requiring that additional parking or loading space shall be provided, wherever the Commission shall find that the provisions of such additional parking or loading space would result in peculiar and exceptional practical difficulties to or undue hardship upon the owner of said property, the Commission may modify the requirement for such additional parking or loading, provided such relief can be granted without substantial impairment of the intent or purpose of this section.

#### **§4.20 Parking, Storage or Use of Major Recreational Equipment.**

1. No major recreational equipment shall be parked or stored on any lot in a residential zone except in a carport or enclosed building or behind the nearest portion of a building to a street, provided, however, that such equipment may be parked anywhere on residential premises not to exceed 24 hours during loading or unloading. These provisions may be modified by the Commission provided the Commission finds the modification is necessary to make possible the reasonable

use of land and that it will not be injurious to the neighborhood or otherwise detrimental to the public welfare. In granting any modification to these provisions, the Commission may prescribe appropriate conditions and safeguards.

2. No such equipment shall be used for living, sleeping or housekeeping purposed when parked or stored on a residential lot or in any location not approved for such use

**§4.21 Parking and Storage of Certain Vehicles.**

1. There shall be no more than one unregistered vehicle or trailer allowed on any residentially zoned property other than in completely enclosed buildings or a carport. This unregistered vehicle must be in good condition and stored in the back or side yard. Good condition is defined as having fully inflated tires, all doors, including the hood and trunk, intact, and no broken or missing windows. The vehicle must be capable of passing a motor vehicle inspection as determined by the Zoning/ Blight Enforcement Officer after consultation with pertinent officials.
2. An unregistered vehicle which does not satisfy the “good condition” definition may be allowed on a residentially zoned property if the vehicle does not have any foreseeable adverse effects on the public health, safety and welfare and is fully covered with a tarp or fully enclosed with six foot high stockade fence.
3. An unregistered vehicle may be allowed in the front yard of a residentially zoned property for the purpose of advertisement of sale for a period of 30 days. This vehicle must be in Good Condition, as defined above, and owned by the owner of the property on which the car is displayed. In order to place an unregistered vehicle in the front yard of a residentially zoned lot the owner shall obtain a permit from the Zoning/ Blight Enforcement Officer. If no complaints are filed with the Zoning/ Blight Enforcement Officer one additional 30 day time period may be granted.

## Article V. Administration and Enforcement

### §5.1 **Planning & Zoning Commission.**

1. *Duties.* The Commission shall exercise and discharge the duties provided for it by this Code and are necessary to carry out the provisions of this Code.
2. *Powers Limited.* Nothing contained in this Code will be deemed to authorize the Commission to modify any requirements of this Code, except as provided in specific cases in this Code.
3. *Special Exceptions.* Where provided for elsewhere in this Code, the Commission may, in appropriate cases, grant a special exception.
  1. *Authorization.* The Commission will hear and decide only such special exception as the Commission is specifically authorized to pass on by the terms of this Code; to decide such questions as are involved in determining whether special exceptions should be granted; and to grant special exceptions with such conditions and safeguards as are appropriate under this Code, or to deny special exceptions when not in harmony with the purpose and intent of this Code.
  2. *Findings.* A special exception will not be granted by the Commission unless and until:
    1. A written application for a special exception is submitted indicating the subsection under which the special exception is sought; and such application is accompanied by the appropriate fees and documents listed in *§5.6.3.1 Site Plan.*
    2. The Commission will make a finding that granting of the special exception will not adversely affect the public interest; that such special exception is authorized under a special subsection of this Code; and that satisfactory provisions and arrangements have been made concerning each of the findings listed under *§5.6.4 Findings.*
  3. *Procedures.* The procedures required for granting a special exception are provided for in *§5.6.2 through §5.6.6.*
4. *Continuous Review of Code.* The Commission and its staff will carry on a continuous review of the effectiveness and appropriateness of the Zoning Code and recommend such changes as seem fit.
5. *New Lots.* The Commission will hear and decide applications for subdivision approval, as provided for by the *Connecticut General Statutes*. In passing upon

any such application, the Commission will be cognizant of the provisions of this Code.

6. *Maintenance of Zoning Map.* The Commission and its staff will keep up to date the official Zoning Map and will keep the Town Clerk supplied with a current copy of such map.
7. *Appeal from Decision of Commission.* Appeals from decisions of the Commission may be made in accordance with the *Connecticut General Statutes*.
8. *Variances from the Zoning Code.* Variances from the Zoning Code may be granted or denied through an application to the Zoning Board of Appeals made in accordance with the *Connecticut General Statutes*.

**§5.2 Zoning Board of Appeals.** [Reserved]

**§5.3 Director of Land Use.** [Reserved]

**§5.4 Zoning/ Blight Enforcement Officer.** The Zoning/ Blight Enforcement Officer is designated as the enforcement officer of this Code. As a basis for executing enforcement the following duties shall be performed:

1. Make on-site inspection as required to determine conformance with zoning codes;
2. Keep and maintain a log of all zoning approvals given or denied;
3. Investigate all reports of zoning violations;
4. Take appropriate actions to insure compliance with zoning codes;
5. Attend all meetings of the Commission;
6. Give testimony or information to other commissions of the City when requested information is relative to zoning enforcement;
7. Make a monthly report of activities to the Commission.

**§5.5 Site Plans.**

1. *General.*
  1. It shall be unlawful to construct, erect, enlarge, alter, or rebuild any structure or significantly modify any site or change any land-use or to apply for any required municipal permit unless such proposed development shall have received a certificate of zoning compliance or site plan approval as herein provided.



2. For the purpose of this Code a site plan is a drawing, which shows the location of a parcel of land in relationship to its contiguous territory in sufficient detail to locate it on the City Zoning Map, and also meets the specifications herein set forth.
  3. A complete application to the Planning and Zoning Commission for subdivision, re-subdivision and special exception shall include an application, the required fee, plans and written approval, conditional approval, or denial obtained by the applicant of the final revised plans from the City of Middletown Departments of Health, Public Works, Water and Sewer, Police and Fire. The Planning and Zoning Commission is not bound by any departmental comment.
  4. Further, no application for special exception, subdivision or re-subdivision shall be deemed complete without the submission of a notice of decision of an Inland Wetlands Permit as issued by the Middletown Inland Wetlands Agency, provided such a permit shall be required under regulations adopted by said Agency. Any plans submitted to the Commission shall conform, in all relevant respects, to those plans, which were approved, or modified and approved, by said Agency.
2. *Purpose.* The purpose of the site plan is: (1) to provide an opportunity to assure that the requirements of this Code, and other pertinent City regulations, ordinances, inspections and procedures are met and; (2) where required, to provide an opportunity for participation in any proposal by various technical personnel and to also incorporate the value judgment of the Commission.
  3. *Procedure.* Proposals shall be considered in the following four categories, which are arranged in terms of increasing complexity:
    1. Category 1. Includes alterations, which do not change the size of the footprint or use of a building or structure or the site or, if served by well and septic, add additional bedrooms. Examples include re-roofing or residing a building or interior renovations. Proposals in this category shall be approved by the Building Inspector without an actual site plan being presented.
    2. Category 2. Includes all single and two-family detached dwellings or any addition or accessory uses thereto which meet all Code requirements. Proposals in this category may be issued a certificate of zoning compliance by the Zoning/ Blight Enforcement Officer and need not go through the formal site plan review process. Class A-2 surveys are required for single and two-family dwellings and additions thereto and may be required for other proposals in this category. Proposals for decks,

pools, sheds and other accessory uses may not require the submission of an A-2 survey but the applicant accepts all responsibility for adhering to the approved site plan.

3. Category 3. Includes any proposal not in Categories 1 or 2, which meets all Code requirements and does not require the granting of a Special Exception. Examples of this category include new buildings and additions to existing buildings in a proper zone. Proposals in this category which add greater than 5,000 sq. ft. of new construction and more than 10 new parking spaces shall be considered for site plan approval by the Commission. Any other proposal within this category shall be considered for site plan approval by the Director of Land Use and the Zoning/ Blight Enforcement Officer. Class A-2 surveys are required for all proposals in this category.
  4. Category 4. Includes any proposal not in categories 1, 2 and 3 and further any proposal about which there is disagreement among any of the participants in categories 1, 2, or 3. Examples of this category include requests for Special Exception, lot line rearrangements and changes in non-conforming uses. Class A-2 Surveys are required for all proposals in this category, unless waived by the Commission. After processing as herein set forth, the site plan shall be considered for approval by the Commission and, if required, a public hearing shall be held in accordance with the *Connecticut General Statutes*, as amended.
4. *Site Plan Review*. For all uses requiring a Certificate of Zoning Compliance or Site Plan Approval, an application shall be submitted to the Planning and Zoning Office and shall include a minimum of six sets of the following information, maps and plans. Category 4 projects will require 21 sets of plans and supporting documentation. In addition to other requirements, the site plan for projects in Category 3 or 4 and subdivisions shall be shown on at least one print of the "Topography Map of the City of Middletown, Connecticut, Showing Drainage Systems and Inland Wetlands Superimposed" at the scale of 1 in. = 100 ft., sheet 24 in. X 36 in., date of photography April 17, 1980, or a later revision.
1. Site Plan Map. The Site Plan Map shall illustrate the existing proposed development of the property and shall include the following information. All submitted plans shall be properly sealed as required by state statutes or the City of Middletown. For minor accessory uses in Category 2, these requirements may not apply.
    1. *General information*.
      1. Name and address of the applicant and owner of record as listed on the Town's land records, and applicant's interest in property.

2. Date and subsequent revision dates, north arrow, and numerical and graphical scale.
  3. A key map showing the subject property in relationship to adjoining and nearby streets, at a scale of 1 in. = 1,000 ft.
  4. A table or chart indicating the proposed number or amount and types of uses, lot area, lot width, yards, building height, coverage, floor area, parking spaces, landscaping, open spaces, wetlands and other elements as they relate to the requirements of these Codes.
2. *The property.*
    1. The boundaries and area of the property and names of all abutting owners, including those across the street.
    2. Location, width, and purpose of all existing and proposed easements and rights-of-way on the property.
  3. *Building and uses.*
    1. Location, dimensions, area, height and setbacks of all existing and proposed buildings, signs, fences, and walls.
    2. Location of all existing and proposed uses and facilities not requiring a building such as but not limited to, swimming pools, tennis courts, light standards, tanks, transformers, and dumpsters.
  4. *Parking, loading, and circulation.*
    1. Location, arrangement, and dimensions of automobile parking spaces, aisles, vehicular drives, fire lanes, entrances, exits, and ramps.
    2. Location, arrangement, and dimensions of loading docks, loading and unloading areas, including provisions for and access to areas for loading and storage of refuse and recyclable materials and type of screen or enclosure provided therefore.
    3. Location and dimensions of pedestrian walkways, entrances, and exits.
    4. Bridges for Vehicular Access to property. Signed and sealed plans shall be submitted by a Connecticut licensed structural engineer certifying that the proposed bridge will be capable of carrying H-20 loading all per ASHTO Standards. The load limit shall be prominently posted on the bridge. Once constructed, the owner of the bridge shall obtain the services of a structural engineer (at the owner's expense) once every five years to inspect the bridge and certify to the appropriate Fire Chief and/or Marshal that the bridge remains capable of carrying the original design load. Such certification shall be submitted to the Public Works Engineering Division for review and

comment. Failure to comply will result in notification by the Fire Chief and/or Marshal to the owner, the mortgage holder and the homeowner's insurance company that the Fire Department shall not cross the bridge with the fire apparatus in the event of a fire. However, all other methods practical will be employed to fight the fire.

5. *Signs and lighting.*
  1. Location, size, height, orientation and plans of all signs.
  2. Location, size, height, orientation and design of any outdoor lighting.
    1. With the exception of public street lights, lighting shall be installed in such a manner as to insure the highest level of energy conservation and cost efficiency using the best technology available and be so shielded that the cone of light shall fall, substantially, within the perimeter of the property. Through the use of shielding and limitations upon intensity, all sources of ambient light traveling outward and upward, producing a sky glow, shall be reduced to the greatest extent possible without duly interfering with the intent and purpose of the outside lighting in the first instance.
    2. Illuminated graphics. Illuminated street graphics in addition to conforming to all other requirements of this section, shall be shielded in such a manner so that no direct source of light is cast into streets or residential properties. Illuminated street graphics shall not interfere with pedestrian or motorist vision. Said illumination shall not be reflective or phosphorescent and shall be in a steady nonfluctuating or nonundulating manner and placed in a manner that will not create a nuisance to the premises and interfere with traffic.
    3. Glare. All lighting shall be so hooded or shielded as to reflect the light in such a manner that no illumination source or glare creates a nuisance to any adjoining property or unreasonably interferes with the lawful use and enjoyment of any adjoining property.
6. *Utilities.* Location, size, inverts, elevations, and design of all existing and proposed sanitary sewers, storm drainage, water supply facilities, septic tanks, leaching fields and refuse collection areas, as well as other underground utilities. Utility location, size

and inverts in the street shall be shown to the limits of the property.

7. Existing and proposed contours with intervals of two feet, spot elevations of building, end of driveway at street, and at driveways at back of walks, spot elevations at local low or high points, site drainage, water intercepting drains, location of footing drain system, elevation of footing drain at foundation, elevation of outlet invert in street, or discharge point.
8. Location of all existing wooded areas, watercourses, wetlands, rock outcrops, and other significant physical features, and, where appropriate, the mean high water line, the wetlands boundary, the flood hazard area, the aquifer boundary, slopes over 25%, and stream encroachment lines.
9. The approximate amount of earth products to be filled or removed from the site, if the amount exceeds 1,000 cubic yards.
10. Location, type, size, and species of shrubs, trees, or other planting and landscaping materials.
11. Location, general layout, type and size of buffer or landscape area, plant material, fencing, screening devices, decorative paving, or other materials proposed.
12. Location of existing trees with a trunk caliper of more than six inches except in wooded areas where the foliage line shall be indicated.
13. *Architectural Plans.* For all new commercial buildings, unless waived by the Commission, the applicant shall submit preliminary architectural drawings showing elevations of all proposed buildings and structures, indicating schematic building floor plans, and indicating square footage by use.
14. *Staging plan map.* In cases where the applicant wishes to develop in stages, an overall site and staging plan indicating ultimate development for the entire property shall be submitted at the same scale as the Site Plan.
15. *Erosion and Sedimentation Control Plan.* All applications shall contain the information required in §4.12 *Grading and Soil Erosion and Sedimentation Control Plan*:
  1. A statement explaining:
    1. The proposed use of the facility;
    2. The projected number of persons to be employed if an industrial use;
    3. The building area of a business or institutional use;
    4. The number of dwelling or housing units and a tabulation of units by number of bedrooms if a residential use;

2. For proposed uses within watershed or aquifer areas, the Applicant shall submit the following information if the proposal is of Category 2, 3, or 4 as defined in §5.5.3

*Procedure:*

1. List of all chemical substances to be used or stored on the premises including but not limited to those needed for pest and plant control office uses, maintenance, cleaning, production, and raw material for wastewater treatment.
  2. Estimated annual use and stored quantities of listed materials.
  3. Description of procedures ensuring safe handling, storage and disposal of listed materials and waste products.
  4. Response protocol for sudden or unsudden release of listed substances or by-products.
  5. Employee training program for handling and use of listed materials and waste products.
  6. Fuel storage requirements and measures ensuring safe handling and storage.
16. *Other information.* The applicant shall submit any other information deemed by the approving authority to be necessary to determine conformity with the intent of these codes.
  17. *Exceptions.* The Director of Land Use with the concurrence of the appropriate department may make exceptions to the Site Plan Information required in this section.

2. Review Procedure.

1. The review procedure for proposals in Categories 2, 3, and 4 may include requests for comments from any of the following departments or agencies:
  1. Public Works including Building Division;
  2. Water and Sewer;
  3. Health;
  4. Police Department Traffic Division;
  5. Applicable Fire Department;
  6. Superintendent of Schools shall comment on all proposals in Categories 3 and 4 if within 500 ft. of a city school; and
  7. Other technical agencies or organizations who may undertake additional studies and investigations.
2. *Scope of Review.* In reviewing a site plan the following shall be taken into consideration:
  1. Compliance with the Zoning Code and general intent of the *Plan of Conservation and Development*;

2. Efficient provision of all public utilities;
  3. Effect of the proposal upon the public health and orderly growth of the community;
  4. Provision of adequate public safety devices and access as determined by the Fire and Police Departments;
  5. Effect of the proposal on area traffic patterns; and
  6. Compliance with the applicable Building, Health, and Housing Codes.
3. Approval. Upon submission, plans shall be distributed to pertinent city departments as outlined in §5.5.4.2.1 for review and comment. After all comments are received, the proposal shall be approved, modified and approved, or denied. The approving authority may attach reasonable conditions to an approval.
  4. Violations. Whenever the approving authority shall find that any of the terms, conditions or restrictions upon which proposed site plan development approval was granted are not being complied with, the approving authority may rescind and revoke such approval after giving due notice to all parties concerned, and require performance as otherwise provided for in this Code.
  5. Building Permit. Subsequent to the zoning approval and the satisfaction of all conditions and payment of all fees, the Zoning/ Blight Enforcement Officer shall cause to be delivered to the Building Division written zoning certification, in accordance with §8-3(f) of the *Connecticut General Statutes*, along with a stamped and initiated site plan. At this point, §120-33 of the *Code of Ordinances* shall apply to all projects with a valid building permit.
    1. Procedure.
      1. The building permit applicant will apply and submit payment for a building permit. Barring any corrections to the building plans during the review process, the applicant will receive permission to start the foundation system for the structure through written notification by the division.
      2. When the foundation is in place, the applicant shall submit the A-2 As Built survey to the Building Division. The Building Division shall submit a copy of same to the Zoning/ Blight Enforcement Officer for review.
      3. Upon receipt of the A-2 As Built survey and a finding that it complies with the original zoning approval, the Division will immediately issue the building permit to the applicant.
      4. Prior to issuing the certificate of occupancy, the applicant shall submit a certification by a licensed land surveyor

stating that the finished grades, utilities and drainage correspond to the approved plans and, if applicable, septic as-built and well analysis to the Department of Health. The Building Division shall submit a copy of same to the Zoning/ Blight Enforcement Officer.

2. *Utility Verification.* All storm drainage facilities, and water and sanitary sewer facilities required by any Site Plan, Special Permit, or subdivision shall be installed by the applicant and inspected for compliance by the Engineering Division of Public Works and Water\ Sewer or, in the case of a site facility the Department of Health, prior to the backfilling of any such utility holes or trenches. The applicant shall notify the proper department 48 hours prior to any installation and shall comply with the proper utility regulations and requirements.
3. *Permits.* When work is to be performed within the street right-of-way, an excavation permit must be obtained from the Sidewalk Conformance Inspector.
4. *Verification of Zoning Compliance.* A Verification of Zoning Compliance shall be issued at the same time as application is made for a Certificate of Occupancy from the Building Inspector. The Verification of Zoning Compliance is signified by the Zoning/ Blight Enforcement Officer's signature on the Certificate of Occupancy. After notification from the applicant that the land, building, or structure is ready for occupancy or use, the Zoning/ Blight Enforcement Officer shall determine if it is in compliance with these codes. The Zoning/ Blight Enforcement Officer may require any other information, which may be necessary to make a determination as to compliance with these codes.
  1. Change of use. The change of use of an existing use of land, buildings, or structures, or part thereof, to another proposed use which is allowable in the applicable zoning district shall be subject to the provisions of §5.5.4.5.4 *Verification of Zoning Compliance* for the issuance of a Zoning Verification in the same manner as a new building, structure, or use.
  2. Conditional Verification of Zoning Compliance. When the require site work cannot be completed because of inclement weather or other pertinent reasons, a Conditional Verification of Zoning Compliance may be issued by the Zoning/ Blight Enforcement Officer for a period not to exceed six months. The applicant may be required to post a bond to guarantee satisfactory



completion of the site work in accordance with these codes.

5. *Certificate of Occupancy.* No land shall hereafter be used except for farming or gardening purposes, and no new building or structure hereafter constructed shall be occupied or used unless a Verification of Zoning Compliance shall have been issued and until a Certificate of Occupancy shall have been issued. No building or structure which is altered, reconstructed, extended, enlarged, moved, changed or converted, such reconstruction, alteration, etc., increasing the fair market value of the building or structure more than 50%, shall be occupied or used unless a Verification of Zoning Compliance shall have been issued and until a Certificate of Occupancy shall have been issued. Furthermore, no temporary certificate of occupancy shall be issued unless a Verification of Zoning Compliance shall have been issued. In situations where an application for a Certificate of Occupancy concerns property within an incomplete subdivision, a written confirmation is required from the Engineering Division of Public Works and Water\Sewer that the first course of paving has been installed and is adequate to provide ingress and egress and that the public improvements required by the *Subdivision Regulations* are in a sufficient state of completeness prior to the issuance of a Certificate of Occupancy.
  
6. Time Limitations. Building and any other required City construction or development permits must be applied for within one year after site plan approval or such approval shall be null or void unless a different time limitation is specifically authorized. Upon written request stating specific reasons for delay, the approving authority may grant additional time beyond the initial one year period.
  
7. Maintenance of Landscaping. All landscaping elements portrayed on the approved landscaping plan, including buffer treatments, shall be maintained in a manner sufficient to ensure its continuing performance and the survival of plantings. Where a maintenance problem arises, upon the order of the Zoning/ Blight Enforcement Officer, said landscaping shall be restored to a satisfactory condition consistent with the approved landscaping plan.

## **§5.6 Special Exceptions.**

1. *Purpose.* The development and execution of a comprehensive Zoning Code are based upon the division of the City into zones, with which the use of land and structures and the bulk and location of structures in relation to the land are substantially uniform. It is recognized, however, that there are certain uses and

features which, because of the unique characteristics, cannot be distinctly classified or regulated in a particular zone or zones, without consideration in each case of the impact of such uses and features upon neighboring uses and the surrounding area compared with the public need for them in particular locations. Such uses and features are, therefore, treated as Special Exceptions.

2. *Request for special exceptions.* Applications for the grant of Special Exceptions shall be filed with the Commission on forms provided therefore. The applicant shall submit plans and other data required in §5.6.3 *Submission requirements*, and shall be consonant of the Commission's findings criteria in §5.6.4 *Findings*.
3. *Submission requirements.* Each application for a Special Exception shall be submitted to the Commission at least 10 days prior to a regularly scheduled meeting and shall be accompanied by such fee required to cover the cost of advertising and sending notices in connection with the application. The Applicant shall furnish as part of such application the following:
  1. Site Plan. Site Plan as specified in §5.5 *Site Plans*.
4. *Findings.* A Special Exception may be granted when the Commission makes findings on:
  1. Compliance with City Plan. The proposed use is consonant of the *Plan of Conservation and Development* for physical development of the City, as embodied in the Zoning Code and in any Master Plan or portion thereof adopted by the Commission; and
  2. Adverse Effects. The proposed use will not affect adversely the health and safety of residents or workers in the area and will not be detrimental to the use or development of adjacent properties or the general neighborhood; and
  3. Visibility and Accessibility. The proposed use will not preempt frontage on a major highway in such a manner so as to substantially reduce the visibility and accessibility of an interior commercial area zoned or proposed for commercial use which is oriented to the same highway; and
  4. Traffic Movement. The proposed use will not impair the movement of through traffic along the adjoining thoroughfare through congestion and reduction of street capacities or through storage or back up of vehicles in the public right-of-way while awaiting service on the subject site; and
  5. Orderly Development. The proposed use will not result in a fragmentation of the development pattern, thereby creating unnecessary additional points of vehicular conflict with the adjoining highway and

adversely affecting the orderly development of surrounding neighborhoods; and

6. Property Values and Character. The proposed use will not tend to depreciate property values and the character and extent of development of adjoining properties; and
  7. Parking and Loading. The proposed use will provide off-street parking and loading facilities in accordance with *§4.19 Off-Street Parking and Off-Street Loading*; and
  8. Compliance with Standards. The proposed use will meet all the standards set forth herein and set forth in *§5.6.8 Standards for Special Exception* for the type of Special Exception being requested.
5. *Public Hearing.* The Commission shall hold a Public Hearing in accordance with the requirements of the *Connecticut General Statutes* and those of *§4.18.8.5 Public Hearing Notice*.
  6. *Commission Action.* The Commission shall act of applications in accordance with the *Connecticut General Statutes*.
    1. Time Limitation. A Special Exception shall be valid for a period of one year, unless a longer time period is specifically established herein. The authorized activity must start during the time period as indicated by the granting of a building permit if building(s) are involved. Such exception shall continue in force and in effect if a building permit for such erection or alteration is started within said period. A renewal of said exception may be granted for one additional time period, equal to the original, without a complete new application or public hearing provided the Commission finds that all requirements continue to be met. However, the Commission shall show in its record that it has reviewed an application for renewal of the specified Special Exception and that all appropriate provisions and findings are reaffirmed.
  7. *Violation of Special Exceptions.* Whenever the Commission shall find, in the case of any Special Exception heretofore or hereafter granted pursuant to the provisions of this section, that any of the terms, conditions or restriction upon which such permit was granted are not being complied with, the Commission may rescind and revoke such permit after giving due notice to all parties concerned. Violation of Special Exception shall constitute a violation of the Zoning Code.
    1. Termination of Granted Special Exception Use. In the event a Special Exception land-use is terminated and a proposed new use is not “use by right” as currently zoned, application may be made to the Commission

for approval of a substitute use for the facility. In its evaluation, the Commission may hold a public hearing and shall consider the similarity of the proposed new use to the terminated Special Exception use.

8. *Standards for Special Exception.* A petition for use of property subject to standards set forth herein shall be filed in accordance with the provisions of §5.6.2 *Request for Special Exceptions* and shall be subject to approval by the Commission unless specifically specified otherwise.
  1. Ambulance Service. Ambulance service uses are permitted subject to the codes of the zone in which they are located in addition to the conditions hereunder:
    1. No advertising or signs containing more than two square feet in size shall be maintained on the premises where such ambulance service is being conducted or be attached to, or painted on the building in which such service is conducted.
    2. The outward appearance of such building shall be substantially in conformity to the general characteristics of the surrounding neighborhood.
    3. The nature and development of surrounding property; the proximity of churches, schools, hospitals, public buildings, or other places of public gatherings, the sufficiency in number of other such services in the City of Middletown; the health, safety and general welfare of the people should be considered.
  2. Childcare Facilities. Childcare facilities are permitted subject to the codes of the zone in which they are located and in addition to the conditions hereunder:
    1. Provide at least 35 sq. ft. of interior play space per child;
    2. Provide at least 100 sq. ft. of exterior play space per child;
    3. Noise and all other possible disturbing aspects connected with the operation of such use shall be enclosed, screened or otherwise controlled to the extent that the operation of any such use shall not unduly interfere with the use of properties or streets in the surrounding area;
    4. School buses shall be garaged or stored in an enclosed area, properly screened and to the rear of the main building only;
    5. There shall be buffering between outdoor play areas and parking adjacent to industrial or commercial uses;
    6. A childcare facility may include a residential unit for the owners/operators own use.

3. Educational Publishing Organization Uses. Educational Publishing Organization Uses are permitted subject to the codes of the zone in which they are located, in addition to the conditions hereunder:

1. Operations are primarily editorial and administrative in its character;
2. Operations shall not be used for final production or manufacturing of finished products, printed or otherwise, or as a retail outlet for any products.
3. Operations shall not produce any activities which would create any noise or nuisance at any time;
4. That the location for educational publishing organization uses are located to conform to the following minimum requirements:

Lot Area:	5 ac. minimum.
Front Yard:	100 ft. minimum.
Side Yard:	75 ft. minimum.
Rear Yard:	100 ft. minimum.

4. Fraternity and Sorority Uses. Fraternity and Sorority uses are permitted subject to the codes of the zone in which they are located:

1. That the maximum density shall not exceed 35 persons per acre.
2. That the location for fraternity and sorority uses are located to conform to the following minimum requirements:

Lot Area:	20,000 sq. ft. minimum.
Front Yard:	40 ft. minimum.
Side Yard:	25 ft. minimum.
Rear Yard:	25 ft. minimum.

5. Golf Course, Country Club, Private Club, Service Organization, Including Community Building and Similar Recreational Uses. Privately owned and/or operated, are permitted subject to the codes of the zone in which they are located in addition to the conditions hereunder;

1. That the proposed use will not constitute a nuisance because of noise, traffic, number of people or type of physical activity.
2. That the only provision for food, refreshment and/or entertainment is for club members and their guests.

6. Hospital and Medical and Dental Clinic Uses.

1. The location of the facility shall be compatible with the neighborhood in terms of traffic, noise, and number of patients/clients cared for. The facility shall also be compatible with its setting in scale, material and design.
2. That the site location for hospital, medical and dental clinic uses are located to conform to the following requirements:

<i>Hospitals:</i>	
Lot Area:	5 ac. minimum.
Frontage:	200 ft. minimum.
Front Yard:	50 ft. minimum.
Side Yard:	Three times the height of the tallest building located on the lot which is proximate to the side yard, but no less than 75 ft.
Rear Yard:	100 ft. minimum.
<i>Medical and Dental Clinic:</i>	
Lot Area:	40,000 sq. ft. minimum.
Frontage:	200 ft. minimum.
Front Yard:	40 ft. minimum.
Side Yard:	Two times the height of the main buildings but not less than 50 ft.
Rear Yard:	50 ft. minimum.

7. Housing for Elderly or Physically Handicapped Persons Uses. Are permitted subject to the codes of the zone in which they are located in addition to the conditions hereunder:
1. That the maximum density shall not exceed 35 persons per acre:
  2. That the location for housing for elderly or physically handicapped person uses are located to conform to the following minimum requirements:
- |            |                 |
|------------|-----------------|
| Side Yard: | 20 ft. minimum. |
| Rear Yard: | 20 ft. minimum. |
3. Storage of a stock in trade or sale of commodities on the premises shall not be permitted;
  4. That no name plate or sign shall exceed 100 sq. in. in area.
8. Professional and Business Office Uses. Professional and business office uses shall be limited to accountants, architects, engineers, dentists, physicians, podiatrists, chiropractors, lawyers, real estate and insurance agents, psychologists, osteopaths, surveyors and office business machine sales/service facilities.
9. Neighborhood Store Uses. Are permitted subject to the codes of the zone in which they are located in addition to the conditions hereunder:
1. A neighborhood store shall provide only limited convenience goods and services, such as groceries and related goods; baked goods, drugs or cosmetics; barber or beautician services; self-service laundry (which is closed between the hours of 10 p.m. to 7 a.m.); tailoring, shoe repair; tobacco or news; and accessory uses,

- customarily incidental thereto shall occupy no more than 25% of the gross floor area of the establishment;
2. The Commission shall find that space for such use is not available in nearby areas which are zoned for business, and that such new use or expansion of an existing use is necessary to serve the immediate neighborhood adequately with convenience goods or services; hereinabove described, giving due consideration, among other things, to the character of the neighborhood, the density of development, the shopping habits of neighborhood residents, and the availability of public and private transportation. The clustering of two or more uses of diverse types, rather than scattering of such uses, shall generally be regarded as an advantage, but the existence of a use of the same type as one which is proposed shall require a more extensive showing of necessity for the proposed use. As a general rule, clustering of uses shall not exceed 10,000 sq. ft. of net floor area for all uses in a cluster;
3. The net floor area used for sales or other business purposes in any establishment (excluding space used for storage and similar purposes) shall not exceed 1,500 sq. ft.;
4. Business shall be conducted, including storage of goods, materials or equipment in a fully enclosed building;
5. That no name plate or sign shall exceed 100 sq. in. in area;
6. Establishment of the "drive-in" type, offering goods or services directly to customers waiting in parked vehicles shall not be permitted.

10. Natural Resources Extraction

1. *Purpose of Codes.* To provide for: (1) safe and orderly surface extraction of natural resources including; topsoil; peat; sand; gravel; clay; stone; ores; metals and minerals and (2) to provide a mechanism to assure the application of Code requirements related to the "Soil Erosion and Sediment Control Act" for land uses that have no actual construction involved and (3) for the reclamation, or restoring, of the land after extraction has taken place. (Note: See §4.12 *Grading and Soil Erosion and Sedimentation Control Plan* for P.A. 83-388 "Soil Erosion and Sediment Control Act.")
2. *Approval Required.* No extraction shall be undertaken, unless herein specifically exempted, until approval of the Commission has been given.
3. *Exceptions to these Codes.* Activities involving the removal or extraction of surplus topsoil, peat, sand or gravel for legitimate agriculture, construction or landscaping operations need not comply with the provisions of this section.

4. *Extraction Legally Underway at Time of these Codes.* Operations involving natural resource removal legally in existence at the time of passage of these codes may continue for a maximum period of one year. During that time, application for Commission approval shall be made following these codes. Operations for which approval application is not made and received shall be in violation of this Code.
5. *Procedure.* The extraction proponent shall file an application to the Commission including required fee and compliance assurance. The Commission shall hold a public hearing on the application following procedures set forth in the *Connecticut General Statutes*.
6. *Application.* Twenty identical copies of an application shall be submitted consisting of text and graphic material setting forth the proposal for extraction and reclamation, in terms of criteria set forth herein, for a proposed operating site. Each non-contiguous proposed operating site requires a separate application. Graphic material shall include maps, which meet the specifications of §5.5 *Site Plans* and other information required in these codes. The site shall be shown on the City's map titled, "Topography Map of the City of Middletown, CT Showing Drainage Systems and Inland Wetlands Superimposed" at the scale of 1 in. = 100 ft., date of photography April 17, 1980, or a later revision. If necessary, the contours shown in the City Map shall be corrected to reflect the current status from a field survey made by a CT registered land surveyor. The property boundary shall be drawn to the accuracy of Class A-2 as recommended by the Connecticut Association of Land Surveyors, Inc. as stated in that organization's most recent publication. Photographs may be included, both vertical and oblique, annotated to show significant information. The graphic presentation shall clearly show the conditions which exist at the time of an application including water course and impoundments, roads, buildings, wells, and construction, utility lines and right-of-ways and areas intended to be disturbed outlined in acre units. The proposal for reclamation, or restoring of, and land after extraction has taken place shall be clearly shown. Information may be shown on separate maps for clarity, if necessary. The ownership of all parcels proposed to be involved in extraction and the ownership of all contiguous parcels shall be shown.
7. *Criteria During Extraction.*
  1. At no time shall resource removal take place nearer than 50 ft. to a street line or a perimeter property line except where the existing grade is above the grade of the abutting street or property.



2. No physical damage shall be inflicted to adjacent public or private property.
  3. Proper drainage shall be maintained throughout the project area during the entire operation.
  4. Excavations of more than six feet in depth within a 1,000 ft. distance of a residence shall be fenced with woven wire or similar material not less than four feet high.
  5. Roads, storage areas and yards within 500 ft. of a residence or public street shall be paved, treated or watered so as to minimize dust. Access routes over public streets to excavation areas shall be selected to minimize intrusion into residential neighborhoods.
  6. Equipment used in an extraction area shall be maintained and operated in such a manner as to minimize noise, vibration, smoke and dust.
  7. No waste products or process residues from an extraction area shall be disposed of in any stream or other natural drainage system without proper approved treatment.
  8. Overburden shall be stockpiled in rows or concentrated piles and stabilized in an acceptable manner so that it does not become a source of dust beyond the applicant's property.
  9. No overhanging banks shall be created during the extraction process.
  10. No stone crusher or other machinery not required for actual extraction shall be used except in an Industrial Zone.
8. *Criteria for Reclamation.* Disturbed areas shall be reworked and graded to a rolling topography with no slope greater than two feet horizontally to one foot vertically and conditioned to make suitable for productive use including forestry, grazing, cropping, wildlife, recreation and building sites according to an approved reclamation plan which shall include placement of vegetation species as practical as determined with the aid of the Soil Conservation Service. The process of reclamation shall proceed concurrently where feasible or immediately following the completion of the extraction activity in an orderly manner.
  9. *Compliance Assurance.* Approval shall not become effective until the applicant has provided a surety bond of \$5,000 for each acre, or portion of an acre, of land to be disturbed by extraction or storage of soil or rock material. This bond shall be issued by a company located in Connecticut. The bond shall guarantee to the City of Middletown, as determined by the Commission that upon termination of the extraction operation the surface of land shall

be restored in conformity with the approved reclamation plan. Upon such satisfactory reclamation, as approved by the Commission, the bond shall be released to the applicant. Any required report or the extension of a project approval period shall include assurance that any required bond is still in effect. The insurance company shall notify the City of Middletown in the event a surety bond is terminated for any reason other than Commission approval.

10. *Basis for Approval or Denial of Application.* The Commission may approve an application upon finding that: (a) the requirements of the codes set forth herein will not be violated by the proposed operation; (b) the applicant shall correct any and all violations and incomplete work remaining from any prior authorized activities. In its evaluation of an application, the Commission may consult with persons and/or agencies with specialized knowledge or authority in the field of natural resource removal and the restoration, reclaiming the reuse of area disturbed by such removal.
11. *Approval Time Period.* Approval for extraction of natural resources may be granted for a length of time not to exceed two years. Upon application of the petitioner extension of an approval period may be granted for one additional time period, equal to the original, without a complete new application by the petitioner.
12. *Application Fee.* Application fee shall be \$100.00 multiplied by the number of acres, to the nearest whole acre, proposed to be disturbed by extraction or storage of soil or rock material as established for Compliance Assurance for up to 10 acres. The fee for areas beyond ten acres shall be \$50.00 per acre up to twenty acres. The fee for more than 20 acres shall be \$25.00 per acre. The application fee shall be for the time approval period established and each application or extension shall require a separate fee.

11. Public Utility Buildings and Structures.

1. The proposed facility is needed to provide service to the public.
2. The facility and its accessory elements shall be sited in accordance with the codes of the zone in which it is located or as modified to minimize any adverse impact on the existing community in which the facility is proposed to be located.
3. Facilities included in the Public Utility Buildings and Structures category include: buildings for housing of switching equipment; parking and enclosures for service vehicles; indoor and outdoor storage areas for equipment and material; buildings for personnel

offices related to the utility services being provided by the installation and related off-street parking.

4. The above use is permitted in all zones as a Special Exception Use in §6.1.2 *Special Exception Uses*.

12. Drive-Up Facilities. Drive up banks and car wash facilities require off-street approach lane of 200 ft. for each teller window or wash stand not to conflict with parking spaces.

13. Drive-Through Businesses. Drive-through businesses shall be permitted by special permit in every zone only if each of the following conditions are satisfied:

1. There shall be an off-street approach lane of 200 ft. for drive-through facilities which shall not conflict with parking spaces;
2. There shall be adequate internal and external traffic circulation in order to promote traffic safety. In determining the adequacy of the circulation, the Commission may consider the number of curb cuts and the orderly flow of traffic entering and exiting the site. With respect to corner lots, the exit of the site shall be located on the less busy or secondary street and at least 100 ft. from the intersection. If the lot has frontage only on one street then the applicant shall make road improvements, as deemed necessary by the Commission, to promote the safe exiting of vehicles; and
3. Minimum lot area: 1 ac.
4. Minimum lot width: 150 ft.
5. The site plan shall contain suitable landscaping which shall include maintenance of a suitably landscaped area between the drive-through business and any contiguous lot in a residential zone.

14. Gasoline Filling Stations.

1. The location of a gasoline filling station shall be subject to the approval of the Planning and Zoning Commission and the use of said gas filling station is limited to the retail sale of motor fuels, lubricants and other motor vehicle supplies and parts. The permitted use is further limited to minor repairs and service activities, excluding body and fender work and repairs or limited repairs as specified in §14-51, *Chapter 246 of the Connecticut General Statutes*. Accessory parking and storage of motor vehicles is hereinafter limited.
2. No more than one motor vehicle for every 1,000 sq. ft. of lot area shall be stored outside at any time, and there shall be no outdoor storage of partially dismantled or wrecked motor vehicles. The Planning and Zoning Commission may also limit the amount of

overnight parking and require suitable fencing to protect surrounding properties.

3. The site of a gasoline filling station shall have frontage of at least 150 ft. on a public street and shall have a depth of at least 100 ft., except where larger dimensions are set forth for the particular zone the proposed site is located in. Gasoline filling stations designed to serve trucks larger than five ton capacity shall have a lot width of at least 300 ft.
4. Fuel pumps shall be set back from the street line at least 25 ft. All other buildings and structures, except underground storage tanks, shall be set back at least 45 ft. from the street line, 10 ft. from each side line, and 20 ft. from the rear lot line, unless larger front or side yards are required in the particular zone the proposed site is located in. All buildings and structures shall be set back at least 50 ft. from the side lot line of a contiguous lot in a residential zone. A suitably landscaped area at least 10 ft. wide or six feet high, stockade type wooden fence, with finished side facing any residential zone shall be maintained between a gasoline filling station and a contiguous lot in a residential zone. Such landscaping or fencing shall not be located closer than 10 ft. to the street line. Maximum building coverage shall be limited to 50% of the site area.
5. There shall be not more than one driveway for each 50 ft. of street frontage. Such driveways shall not be more than 35 ft. wide, and not less than 20 ft. wide at the curb line; shall be no closer together than 15 ft. at the curb line and shall be at least 20 ft. from any intersection of public streets. All driveways, parking or standing areas shall be permanently improved with a paved surface.
6. Storage tanks for gasoline or other motor vehicle fuels shall be located underground in compliance with pertinent local and State codes and codes.
7. A gasoline filling station shall be no closer than 500 ft. from any building or place of public assembly such as a church, hospital, library, school, community house, playground or theater, provided, however, that this standard shall not apply if the gasoline station shall have been established prior to any such place of assembly. No gasoline filling station shall be erected near any building or premises used for such purposes on any part of any lot used or proposed to be used for the within stated purposes. There shall be no outdoor display of motor vehicle accessories, tires, or any other merchandise, except that motor oil for servicing motor vehicles on the premises may be displayed on racks, designed therefore, immediately adjacent to the service

station building or the filling pumps. There shall be no dumping of waste materials, such as grease or oil, except in a closed underground receptacle at a place and of a designed approved by the Planning and Zoning Commission. Debris and trash shall be deposited in receptacles maintained therefore.

8. There shall be no residence or sleeping quarters maintained in any gasoline filling station.
9. The use of pennants, streamers or other moving eye-catching devices shall be prohibited except in the cases of the opening of a new station, the reopening of a station that has been closed for a period of thirty days or more, or a change in a station's major dealer or supplier, and then only for a period not to exceed 30 days and after issuance of a permit by the Zoning/ Blight Enforcement Officer. The sign provisions of *§4.18 Signs* shall apply except that small credit card, direction, telephone or similar public convenience signs shall not count towards the permitted sign area.
10. As an accessory use the limited sale of retail, convenience items shall be permitted at a gasoline filling station, subject to the following conditions:
  1. All foods sold shall be pre-packaged and there shall be no food preparation on-site, with the exception of beverages, which may be prepared subject to the approval of the Department of Health.
  2. As an accessory use, a maximum of 500 sq. ft. of space may be utilized for the display of retail merchandise within the station and retail, convenience merchandise shall not be displayed or advertised outside the filling station building.
  3. A minimum of three accessory parking spaces shall also be provided. Said spaces shall be in addition to the pump areas and shall be for the convenience of patrons.
11. As an accessory use to a gasoline filling station, an unattended car wash shall be permitted, subject to approval of a Special Exception by the Planning and Zoning Commission and to the following conditions and standards:
  1. The car wash shall be limited to one bay with a maximum of four coin-operated vacuums.
  2. The car wash shall be equipped to recycle water to minimize the use of water and equipped with water treatment facilities.
  3. All wastewater, after treatment, shall be discharged into a sanitary sewer system.

4. The property shall have a water supply sufficient to support the car wash.
  5. There shall be sufficient unmarked stacking or queuing spaces in front of the entrance of the carwash facility, which do not interfere with on-site traffic flow. There shall be a sufficient length of driveway space between the car wash exit and any point of internal traffic circulation on the premises.
  6. The car wash shall be equipped with a drain system in the car wash exit driveway to maximize capture of water drip off from washed vehicles.
  7. The applicant shall demonstrate to the satisfaction of the Commission that lighting, buffer areas, noise levels, environmental controls including waste water recycling, sludge and sediment handling, and internal vehicular circulation shall be adequately provided for and/or controlled, and that there are no adverse traffic impacts on public roads, to ensure conformance with the standards applicable to special exception uses.
15. Permanent Year Round Farm Markets. May be approved by the Commission provided they meet all of the following conditions:
1. Intent: The intent of a year round farm market is to promote and protect agriculture in Middletown and support the viability of local farming operations by allowing the sale of agricultural products and related items and services from active farms, while ensuring public safety and minimizing any impact on abutting properties. Products sold shall be predominately locally or regionally produced allowing for incidental items not produced regionally but will complement local farming production.
  2. The market shall be on the premises of, and accessory to, an active farm of at least 5 ac.
  3. Products and services which may be sold may include dairy and food products primarily from products grown or produced on the premises or elsewhere in Middletown or in the region; farm bakery products; farm café, cider, juices and soda; vegetables, fruits; flowers; seasonal farm products (such as honey, maple syrup, jams, dried fruits and candy); seasonal crafts (such as wreaths, baskets, ornaments, flower pots); pick your own; pre-cut Christmas trees, and horticultural supplies.
  4. Accessory uses shall include greenhouses and other accessory structures in direct support of the agricultural use or the farm market.
  5. Buildings shall meet yard requirements of the zone.

6. Adequate off-street parking shall be provided but in no event less than one space for each 300 sq. ft. of gross building area of the market.
  7. The market shall be located either within an existing farm structure or a separate rural, farm-like structure compatible with the neighborhood.
  8. The following activities may be allowed on a minimum of 20 ac. of continuous land as part of a farm market subject to special exception approval:
    1. Hay rides;
    2. Farm animal petting zoo;
    3. Farm and craft related seminars;
    4. Food trucks;
    5. Farm festivals; and
    6. Private events.
16. Eleemosynary and Philanthropic Institutions. Subject to the following minimum area, frontage and setback requirements:
1. Total Area: 25,000 sq. ft.
  2. Frontage: 150 ft.
  3. Yards: 35 ft. from the front property line; Each side yard shall be two times the height of the tallest institutional building located on the lot, which is proximate to the side yard and the rear yard shall be 40 ft.
17. Junkyards and Building Materials Salvage Yards. Subject to the following codes:
1. Shall be located on a site not less than one acre;
  2. Be enclosed by wall of brick, stone or other suitable material as determined by the Board, not less than eight feet in height.
  3. The front wall shall be located on the building line but not less than 25 ft. from the front lot line;
  4. The front yard shall be open and unobstructed except for the off-street parking of private automobiles only.
18. Motel, Tourist Court and Auto Lodge. Subject to the following codes:
1. Not more than 25% of the net area of the lot may be covered by buildings.
  2. All parking areas and driveways shall be paved with concrete or asphaltic surfacing;
  3. Shall not have dwelling units closer to the highway right-of-way than 50 ft.;
  4. Shall not permit more than 10% permanent occupancy;

5. Shall comply with all area and yard requirements prescribed for such uses in the zone in which located;
  6. No vehicular entrance to, or exit from any motel, or motor hotel, wherever such may be located, shall be within 200 ft. along streets from any school, public playground, church, hospital, library or institution for dependents or for children, except where such property is in another block or another street which the premises in question do not abut;
  7. All areas not used for access, parking, circulation, buildings and services shall be completely and permanently landscaped and the entire site maintained in good condition;
  8. Any enlargement or extension to any existing motel or motor hotel shall require application for a Zoning Certificate, as if it were a new establishment.
19. Ready-Mixed Concrete Plant. Subject to the following codes:
1. Shall be located on a site not less than one acre;
  2. The plant shall not be located less than 200 ft. from a residential use nor less than 100 ft. from any other uses;
  3. All materials shall be so enclosed as to eliminate air pollution beyond the limits of the lot on which the operation is located;
  4. The front wall or fence shall be located on the building line but not less than 25 ft. from the front yard shall be open and unobstructed, except for the off-street parking of private automobiles only.
20. Restaurant or Lunchroom. Subject to the following conditions:
1. It shall be clearly demonstrated by the Applicant, that such use is necessary for the service and convenience of the employees of the industrial zone in which it is located; is designed primarily for the service of employees in the zone, and will not constitute a nuisance to uses in the zone or any adjacent zone because of the generation of traffic, noise, odor or other factors;
  2. Business shall be limited to the dispensing of food, normally associated with lunchrooms;
  3. Each lunchroom, together with the principal use of the lot, shall be located in a lot having a minimum of 200 ft. frontage on a primary industrial road, arterial road, or major highway and shall be conveniently and centrally located in relation to the industrial area intended to be served.
  4. No lunchroom in the zone shall be located within 200 ft. of any residential zone;
  5. No curb service or service through outside windows shall be permitted.



21. Taxi Cab Stand. Subject to the following codes:
  1. All parking areas and driveways shall be paved with concrete or asphaltic surfacing;
  2. Shall have ingress and egress driveways and shall not permit backing onto adjacent roadways;
  3. Shall park vehicles and operate entirely within said lot;
  4. No servicing of taxicabs shall be permitted on the premises such as dispensing gasoline, oil, etc.
  
22. Multi-Family Dwellings. Subject to the following codes:
  1. Streets shall be so designed as to discourage through traffic on the site.
  2. Parking spaces shall be within 150 ft. of any commonly used entrance way for such dwelling units.
  3. Buildings shall be so designed as to avoid monotonous patterns of construction or repetitive spaces or modules between buildings.
  4. Access and circulation ways shall be designed to permit fire fighting equipment, furniture moving vans, fuel trucks, refuse collection, deliveries and snow removal to operate in a safe and efficient manner.
  5. The Commission may require the street system to connect two or more existing abutting streets in order to provide for a safe and efficient area circulation system except where topography or other physical considerations do not permit such streets or where such street connections would adversely affect the area.
  6. Usable open space (as defined in §1.15 Definitions) shall be provided at the ratio of 400 sq. ft. for each bedroom in the project or each unit without separate bedrooms. The open space shall be in a square configuration. The open space shall be equipped with recreational equipment specifically related to the proposal occupancy of the units, i.e. benches, game tables, sand boxes, swings, climbing apparatus, etc.
  7. Structures existing prior to 1976 may be converted to multi-family dwellings without providing the open space required for new structures.
  8. For any proposed development over 50 dwelling units feasibility information shall be submitted citing the need for the proposed development in terms of the housing supply and estimated demand. Information submitted shall include:
    1. The proposed rental schedule.
    2. The income levels of proposed occupants.
  9. Parking arrangement as required in §4.19 Off-Street Parking and Off-Street Loading.

23. Conversion of Existing Residential Building to a Different Number of Dwelling Units.
  1. In addition to site plan requirements specified elsewhere in this Code the applicant shall submit preliminary drawings, prepared by a registered architect, showing the building plans and elevations as currently existing and as proposed after conversion.
  2. Off-street parking shall be provided in accordance with *§4.19 Off-Street Parking and Off-Street Loading* as per specific spaces required for Urban Living Units.
  3. Requirements of the zone in which the building is located may be waived by the Commission if not specifically included herein above.
  4. Any proposed new addition to be constructed as part of the conversion proposal shall be limited to 25% of the gross floor area of the old existing building.
24. Alcoholic Liquor Establishments. Are special permit uses in the B-1, B-2, and NPC zones subject to all codes of those zones and:
  1. Building and site shall meet criteria of the Connecticut Liquor Control Commission.
  2. The entrance to the building shall be not less than 1,500 ft., measured in a direct line, from the entrance of any other seller alcoholic liquors as defined in *§1.15 Definitions*.
25. Automobile, Truck Trailer, Farm Implements and Similar Automotive Equipment Sales, New and Use and Closely Associated Service Facilities as part of the Sales Operation. May be a permitted use in an I-2 Zone under the following conditions:
  1. Site shall front on and have direct access to, a State Highway
  2. Lot area shall be one acre or more.
  3. Lot frontage shall be 200 ft. or more.
26. Bus-stop Passenger Shelters.
  1. Shall be proposed by the Middletown Transit District.
  2. Shall not include any signs not directly related to the bus system unless located in a zone, which permits outdoor advertising signs.
27. Historic and/or Architectural Preservation Site and Structures.
  1. The site, building or structure proposed shall be included in the Middletown Survey of Historical and Architectural Resources conducted by the Greater Middletown Trust, date 1979, as either inventoried or notable buildings. Other buildings and structures may apply under this section provided that it is determined by the

- Greater Middletown Preservation Trust, or another qualified professional selected by the Commission, that the building meets the survey criteria and that the proposed reuse is compatible with the historic character and fabric of the building.
  2. Permitted use of a site and structure shall be with the physical characteristics and originally designed use of the structure: i.e. a structure designed for a residence may be used as an office.
  3. A written agreement shall be filled with the Commission stipulating that the exterior of the structure and the site will be restored and maintained in accordance with the historic time period the structure is identified.
  4. In the event the proposed historic preservation structure is located in a fire district with which its materials of construction are incompatible application, via the Commission, shall be made to the legislative body to change the boundaries of the fire district so that the Historic Preservation Zone is designated as outside fire limits in terms of the State Building Code. The proposed Historic Preservation structure shall not be less than 30 ft. from any structure in a contiguous fire district.
  5. Off-street parking requirements for architecturally and historically significant buildings with adaptive uses may be modified when a proponent can show (a) needed off-street parking is or could be available in the vicinity and; (b) the economic feasibility of the project depends on the waiving of some or all of the off-street parking requirements.
  6. All proposals under this category shall submit a narrative, and for major projects architectural renderings, explaining how the applicant intends to renovate and preserve the historic façade and overall historic character of the building. All proposals may be referred to the Middletown Design Review and Preservation Board for review and comment. The Middletown Design Review and Preservation Board's comments shall be purely advisory.
28. Rear Lots. Are a Special Exception use provided that the applicant shall prove to the satisfaction of the Commission that the land characteristics and physical site conditions make such rear lot development practical, reasonable and desirable; and that such rear lot development will be in harmony with the purpose and intent of the *Plan of Conservation and Development* and will comply with all applicable codes, regulations, and ordinances and shall meet the following specific requirements:
1. Be located in a R-45 or R-60 residential zone.
  2. Be used only for a single-family residence.

3. Not less in area than twice the required size of a lot for the zone the proposed rear lot is located in except that no rear lot must be greater than 80,000 sq. ft.
4. An access strip, in the same ownership as the rear lot, shall have a width not less than 25 ft. on a City street.
5. Not be separated from a City street by more than the depth of one front lot which is not less than the size of a lot required by the Code.
6. The shape shall be that a rectangle the required size of a front lot shall generally fit within the proposed rear lot configuration.
7. For building yard requirements the property line closest to the City street from which access is obtained, not including the access strip, shall be designated as the front line.
8. Setback requirements shall be twice those required in the zone for standard lots.
9. There shall not be more than two access strips adjacent to each other.
10. No non-conforming lot shall be created as a result of a proposed rear lot particularly in terms of remaining city street frontage and area.
11. Dwellings shall be connected to city water and sewer facilities, when constructed, if those facilities are not available the Department of Health must approve the proposed lot for an on-site well and septic system prior to the lots approval by the Commission.
12. The grade of the access strip shall not be more than four percent for a distance of 50 ft. from the City street.
13. Electric and other utility service lines shall be placed underground if they are underground along the street.

29. Two-Family or Single-Family Dwellings on Lots of Record in an RPZ Zone.

1. A two-family dwelling may be constructed on any lot of record in an RPZ zone provided that:
  1. The lot has a frontage of at least 50 ft.
  2. The lot has an area of at least 7,500 sq. ft.
  3. The lot is served by City water and sewer.
2. Where the applicant shall prove to the satisfaction of the Commission that the land characteristics and physical site conditions make such development practical, reasonable and desirable and such development will be in harmony with the purpose and intent of the *Plan of Conservation and Development* and shall comply with all other applicable codes, regulations and ordinances, the Commission may approve two-family or single-

family dwellings on any lot of record in an RPZ zone having no frontage or less than 50 ft. of frontage, provided that:

1. The lot has an area of at least 7,500 sq. ft.
2. If the lot has no frontage on a public street, it shall have a permanent recorded easement at least 25 ft. in width which provides unrestricted access by foot and by vehicle to a public street.
3. In no event shall any such lot have less than 25 ft. of frontage on a public street or, in lieu thereof, a 25 ft. permanent recorded easement providing unrestricted access by foot and by vehicle to a public street.

30. Care/Nursing Home Uses.

1. The location of the facility shall be compatible with the neighborhood in terms of traffic, noise, and number of patients\clients cared for. The facility shall also be compatible with its setting in scale, material and design.
2. Each applicant must submit a description of its purpose and patient\client group.
3. All care\nursing homes must connect to public water\sewer.
4. The site of the care\nursing home must conform to the following requirements:

Lot Area:	500 sq. ft. per person minimum.
Frontage and Yards:	Same as in Residence zone which determines the lot area.

31. Bed and Breakfast Uses.

1. The facility must connect to public water and sewer.
2. The size of the bed and breakfast must conform to the following requirements:

Lot Area:	2,000 sq. ft. per rented room minimum.
Frontage and Yards:	Same in Residence zone which determines the lot area.

3. In order to limit the intensity of the use in an RPZ zone this use is restricted to legal lots of record with less than 10,000 sq. ft. and further the home must be owner occupied and of a bed and breakfast character, as defined below. Bed and Breakfast Character is defined as: An owner occupied private residence containing no more than five guest rooms with a maximum of two persons per room for lodging by pre-arrangement for periods not to exceed two consecutive weeks and providing for only breakfast.
4. In order to maintain this character the following must be complied with:

1. The bed and breakfast must maintain the appearance of a residential dwelling.
2. The signage shall be kept to a minimum and in no case shall exceed 8 sq. ft.
3. All applicable state and local codes and ordinances must be complied with or the special exception use shall be revoked in accordance with *§5.6.7 Violation of Special Exceptions*, and
4. In order to insure compliance, the owners of such facility must annually, on or before February 1, obtain a permit from the Zoning/ Blight Enforcement Officer. Prior to issuing said permit the enforcement officer shall request reports from officials charged with the enforcement of Health, Fire and Building Codes. Also the owner shall provide the Zoning/ Blight Enforcement Officer with a written statement that he\she is in compliance with all Special Exception criteria.

32. Solid Waste Disposal Facility and Area.

1. A solid Waste Disposal Facility or Area shall meet all requirements of the Connecticut Department of Energy and Environmental Protection.
2. The proponent shall submit the following information about the proposal:
  1. The waste types and quantity to be handled at the facility and/or placed in the area;
  2. Ground and surface water conditions;
  3. Geology, soils, and topographic features;
  4. Transportation methods and routes to the areas;
  5. Procedures for leachate, gas and runoff control and for operation and monitoring of the facility;
  6. The social, geographic and economic impact of the facility or disposal on the contiguous neighborhoods;
  7. Potential nuisance conditions.
3. Solid Waste Facilities shall not be allowed over an aquifer or at any location where they might adversely affect an aquifer.
4. The Commission may require evaluation reports from relevant professionals, including but not limited to geologists, hydrologists, and soil scientists.

33. Retail Sales and/or Rentals of Used Auto-mobiles.

1. The site shall have a minimum frontage of 100 ft. along a directly accessible state highway.
2. The site shall have a minimum area of 18,000 sq. ft.

3. In the even that abutting land(s) shall have building(s) thereon used for residential purposes, the facility shall be screened by appropriate plantings or fencing so as not to be visible from said building(s).
4. Automobiles shall be parked or stored on the site no closer than 10 ft. to any property line.
5. The facility shall be lighted in such a fashion that illumination is not directed onto abutting properties.
6. There shall be no use of an exterior sound system or paging system on the site.
7. It is the specific intention of this special exception that the use of the property as a used automobile retail sale and/or rental facility not be the first use of property for such purpose(s) within the general neighborhood. Accordingly, before any special exception may be granted, there must exist within a one-half mile radius of the property lines of the property a facility which sells used automobiles and/or rents automobiles to the general public.
8. In order to limit the intensity of this use, there shall be no more than eight cars displayed for sale on the site at any given time.

34. Veterinary Hospitals/ Practice.

1. The site shall have a minimum of five acres.
2. The facility shall be lighted in such a fashion that illumination is not directed onto abutting properties.
3. The location of the facility shall be compatible with the neighborhood in terms of traffic, noise and number of animals cared for. The facility shall also be compatible with its setting in scale, material and design.
4. Noise and other possible disturbing aspects Connected with the operation of such use shall be enclosed, screened or otherwise controlled to the extent that the operation of any such use shall not unduly interfere with the use of properties or streets in the surrounding area.

35. Cluster Design to Produce Open Space Subdivisions.

1. *Purpose.* The purpose of the open space subdivision provision in the Zoning Code is to encourage and allow for creative and more flexible site planning and building placement and more efficient and economical land development. Furthermore, the provision is designed to provide for greater open space preservation and the preservation and/or conservation and enhancement of the sites existing natural features and resources. As a means of achieving the above stated purpose, variations in the existing codes may be

allowed. The following codes and requirements may be varied or reduced:

- Lot frontage (max 50% reduction);
- Lot area (max 50% reduction)
- Lot shape requirements;
- Yard and setback requirements (max 50% reduction);
- Maximum length – dead end streets (no greater than 2,000 ft.);
- Sidewalk requirements.

2. *Procedure.* Applicants proposing open space subdivision are strongly encouraged to meet with the Director of Land Use and/or the Environmental Planner to discuss which type of subdivision (open space or conventional) would be the most suitable for the area and consistent with the purposes of the City's codes.

However, if the applicant proceeds with the open space subdivision option the Commission expressly retains the right to make the determination as to which type of subdivision would be the most suitable for the area and consistent with the purposes of these code.

Upon formal application to the Planning and Zoning Commission and a public hearing thereon, the Commission may grant special exception approval and subdivision approval of an open space subdivision.

In addition to the general special exception criteria in §5.6.4 *Findings*, the Commission shall find, when applicable, the following:

1. the specific purposes of the cluster design are being achieved;
2. any and all impacts on natural environmental systems such as wetlands, aquifers, watercourses and vegetative and wildlife communities have been minimized;
3. there exists the presence of land characteristics which the commission considers favorable for development of an open space subdivision;
4. the proposal will provide for future park and recreational areas including hiking trails;
5. the proposal will not provide for buildings whose silhouettes interrupt the natural, unbroken flow and character of Middletown's ridgelines;



6. to the maximum extent possible the proposal shall minimize excessive and poorly planned grading for streets and building sites; and;
  7. the proposal will preserve and protect the city's natural environment by encouraging the permanent preservation of specific features and lands which, in turn, contribute to the stabilization and enhancement of residential amenities and values and the maintenance of the City's and the particular areas existing character.
3. *Requirements.* Plans and supporting materials shall be presented for the entire tract containing the information as specified in §4 of *the Subdivision Regulations*. The design of the open space subdivision shall be effectuated by a registered professional group of the following, but not limited to, Landscape Architects, Engineers, Land Surveyors, and environmental professionals. In addition to the requirements in the *Subdivision Regulations*, formal submission of the proposal shall include the following:
    1. A city topography map for the area with the properties boundaries superimposed and highlighting areas exceeding 15% slope, inland wetlands, flood zones, heavily wooded areas and other significant natural or man- made features of the land;
    2. A concept plan on the "Topographic Maps of Middletown, Connecticut, Showing Drainage Systems and Inland Wetlands Superimposed" showing how the property could be realistically developed using the conventional method of subdivision design;
    3. A landscape plan for the entire development showing all features such as streets, sidewalks, trails, entrance structures, recreational facilities, etc. and sealed by a registered Landscape Architect as defined in §20-367 of *the Connecticut General Statutes, Paragraph (3)*;
    4. A statement outlining the reasons why the developer believes that the intent of this code would be, or not be, satisfied by development as an open space subdivision.
  4. *Standards.*
    1. The tract to be developed shall be not less than 10 contiguous acres and must be in a zone having a R prefix.
    2. The tract shall be in a single ownership or consolidated into a single tract by a number of different owners by means of a binding agreement which will ensure the uniform treatment and implementation of an overall open space subdivision for the entire tract from the time of application and continuing thereafter.

3. The frontage of the entire tract on an existing street must be at least 100 ft.
4. To provide a buffer between an open space subdivision and surrounding properties, no structure shall be located within 30 ft. of the overall perimeter boundary. The buffer area shall adhere to the standards in the *Subdivision Regulations*.
5. Proposed buildings shall be related harmoniously to each other, the terrain and to the use, scale and proportions of existing buildings in the vicinity that have a functional or visual relationship to the proposed buildings. The Planning and Zoning Commission may require that buildings be located at the edges of existing fields and open areas and within wooded areas so as to preserve the open character of a site.
6. The total number of building lots in an open space subdivision shall be no greater than the number displayed on the concept plan (as required in #2 above) displaying how the property could be developed with a conventional subdivision. The Commission retains the right to exclude lots from the concept plan, which they feel are undevelopable. However, the commission may permit a reasonable density bonus equal to a percentage (5% minimum) of the amount of lots derived in the lot credit calculation provided the required open space is increased by the same percentage.

EXAMPLE: A 20-lot open space subdivision with the required 33% open space can derive one additional building lot (5% of 20 lots) provided the required open space is increased to 38%.

7. Where possible and in conformance with the *Plan of Conservation and Development*, public water and sanitary sewers are preferred. The applicant may use private well and septic systems or community septic systems if approved by the Director of Health if it can be shown that the soils shall be suitable for long term disposal of sanitary waste effluent.
8. Areas to be preserved and established as open space are to be in accordance with §5.17 of the *Subdivision Regulations*. In addition, land designated as "Open Space" in an open space subdivision shall: a.) equal not less than 33% of the total tract; b.) not include any stormwater

detention or retention structures; and c.) be linked with all building lots within the tract by pedestrian walks.

5. *Design Considerations.* The purpose of this section is to provide some guidelines for designing an open space subdivision over and above the zoning codes and the *Subdivision Regulations*. The developer shall develop a design that portrays an interrelationship of the type of activity (residential and open space), the circulation (street and pedestrian paths), and the physical forms (residences and natural features) constituting the development.

The developer in order to produce an aesthetically pleasing design shall consider the following:

1. Eliminating constant front yard setbacks (staggering front yards instead) to avoid monotony; provide for a variegated character of the neighborhood.
2. Providing for scenic vista protection;
3. The provision of common driveways to reduce the amount of required site clearance and regarding.
4. Utilizing open area such as fields and meadows by integration of the same in the spatial design of the development;
5. Providing for artistically designed open space furniture and fixtures;
6. Providing for pedestrian paths, walking and exercising, with safety and handicapped accessibility in mind;
7. Providing for protection of watercourses but designed as an integral part of the development;
8. Providing for effective buffering, but not obstructing scenic views;
9. Providing for maximum use of natural light and solar capabilities;
10. Providing for the maintenance of the visual integrity of hilltops and ridgelines by siting development so that building silhouettes will be below the ridgeline or hilltop or if the area is heavily wooded, the building silhouette will be at least 10 ft. lower than the average canopy height of trees on the ridge or hilltop;
11. Create and maintain the concept of a New England green or "commons" area within the site.

This is an informative list only. The effective designer can produce much more.

36. Large Lot Environmentally Sensitive Subdivisions which allow Private Roads.

1. *Definition.* A Large Lot Environmentally Sensitive Subdivision (LLES) is a Subdivision with private roads in the R-45 and R-60 zones, and in the R-30 zones only where R-45 zoning is required due to water and sewer requirements and in the R-1 zone next to an R-30 zone (see §2.3.4.1 *Water and Sewer Requirements*). A LLES shall consist of no more than 20 lots all of which meet all zoning and subdivision regulations with the exception of the specific provisions as articulated in this section.
  
2. *Purpose.* The purpose of the LLES provision in the Zoning Code is to encourage and allow for creative and more flexible site planning and building placement and more efficient and economical land development. Furthermore, the provision is designed to provide for greater open space preservation and the preservation and/or conservation and enhancement of the sites existing natural features and resources. As a means of achieving the above stated purpose, variations in the existing codes may be allowed. The following codes and requirements may be varied or reduced:
  1. Lot frontage (max 50 % reduction);
  2. Lot shape requirements;
  3. Rear yard setback requirements (max 50 % reduction);
  4. Max. length –dead end streets (no greater than 2,000 ft);

The primary objective of the LLESS is to allow a more environmentally sensitive approach to conventional land subdivision by allowing for the provision of private roads in the outlying rural sections of the city.
  
3. *Procedure.* The applicant shall follow the procedure as outlined in §5.6.8.35.3 *Requirements*. In addition to the general special exception criteria in §5.6 *Findings* the Commission shall find that the proposal satisfies the criteria as listed in §5.6.8.35.2 *Procedure* with the exception of #1. In addition the Commission shall find that the specific purpose and design objectives of the LLESS are being achieved.
  
4. *Requirements.* The requirements for this proposal shall be those as articulated in §5.6.8.35.3 *Requirements*.

5. *Standards.* In addition to §5.6.8.35.2.2 through §5.6.8.35.6, the applicant shall adhere to the following:
  1. The tract to be developed shall not be less than 10 contiguous acres and must be in the R-45 or R-60 zone, and in the R-30 zones only where R-45 zoning is required due to water and sewer requirements and in the R-1 zone next to an R-30 zone (see §2.3.4.1 *Water and Sewer Requirements*).
  2. Areas to be preserved and established as open space are to be in accordance with §5.17 of the *Subdivision Regulations*. In addition, land designated as “Open Space” in an LLESS shall a.) equal not less than 15% of the total tract, and; b.) be linked with all building lots within the tract by pedestrian walks.
  3. In order to insure fire safety residential sprinklers, as reviewed and approved by the Fire Chief for the particular district in which the subdivision is located, are required in all homes located within an LLESS.
  4. Private Roads.
    1. The City of Middletown roads and walkway specifications shall not apply to this subdivision provided that the notices set forth in Exhibits A & B are within the Declaration of Covenants and Restrictions and affixed to the subdivision map. Further, the composition of such roadways shall be set forth in a narrative form by a registered engineer at the time of submission and such engineer shall certify to the Commission that such composition is a satisfactory composition for the subdivision as submitted.
      1. *EXHIBIT A.* “The roadways are to be maintained by the Association. Middletown Fire and Police Departments strongly direct that the Association maintains these roadways for in the event that such Departments could not reach the site of an emergency because of improper maintenance, the responsibility of such failure would

not be that of the Police or Fire Departments but rather the Homeowners Association.”

2. *EXHIBIT B.* The roads shown hereon and designate as (street name) will be private roads to be owned and maintained by the adjacent property owners or an Association of such owners. The City of Middletown will not take ownership nor maintain these roads unless and until they are improved to meet the requirements of the City at no cost to the City.

2. Private street construction shall be sufficient to safely and adequately carry potential future traffic, which shall be determined on the basis of land areas to be served. The subbase shall consist of gravel, at least 12 in. in depth after compaction, constructed on the prepared subbase. The gravel shall consist of sound, durable particles of bank or crushed gravel, free from soft, thin, elongated or laminated pieces and vegetable or other deleterious substances. The gravel shall meet grading “A” requirements (ConnDOT Form 813). The gravel shall be spread on the prepared subgrade and shall be bladed, dragged and scraped to conform to the required cross-section. All areas of segregated coarse or fine material shall be corrected or removed and replaced with well-graded material. On all road sections with grades less than 5% a base shall be placed upon the subbase of at least 3” after compaction of processed aggregate. It shall be added to the 12” bank run gravel subbase. Said processed aggregate to meet Connecticut DOT material standard for processed aggregate. All road sections in excess of 5% shall receive a bituminous surface treatment to prevent erosion of the surface. Bituminous materials shall be selected from the following grades: Asphaltic Cutback MC-70

or MC-800; Tar RT-2, RT-4, or RT-6. The type of bituminous material to be used will depend upon the character and condition of the surface to be treated, and the season of the year in which the work is done. The bituminous material shall be applied at the rate of 3\4 gallon per square yard. Sand cover shall be spread to provide uniform application in an amount sufficient to prevent the bitumen from seeping off the surface. When the surface is in satisfactory condition, it shall be swept clean of all sand and foreign material and the second application of bituminous material shall be made at the rate of 1\4 gallon per square yard. Gravel shall be spread on the bitumen and rolled with a power roller weighing not less than 10 tons. The gravel for this surface treatment shall meet the following Grading Pass 1\2 in. 100%. Pass 3\8 in. 85-100%, Pass No. 4 5-30%, Pass No. 8 0-10%, Pass No. 100 0-1.5%. Installation of the private road surface can be subject to inspection by the Department of Public Works and certification by a professional engineer licensed to practice in the State of Connecticut. The minimum width of such roadways shall not be less than 18 ft.

6. *Design Considerations.* The design considerations that shall be considered for a LLESS are those articulated in §5.6.8.35.5 *Design Considerations.*

37. Leaf Composting Area.

1. A leaf composting area shall meet all the requirements of the Connecticut Department of Energy and Environmental Protection.
2. The proponent shall submit the following information about the proposal:
  1. Estimate of the volume of leaves to be handled at site, including the approximate number of trucks exiting and entering the site daily;
  2. Facility site criteria, including acreage, drainage & slope;
  3. Site constraints, including name of adjoining properties, wells, septic systems, wetlands, flood plains, ground and surface water, and depth to bedrock;

4. Explanation of the compost pad design and construction;
  5. Transportation routes, access and egress to site;
  6. Methods for drainage, erosion and sedimentation controls;
  7. Methods for wetting of the leaves;
  8. Procedures for operation and management of the facility;
  9. Hours of operation for the area;
  10. Potential nuisance conditions and procedures to mitigate such nuisances;
  11. Plan for use of the compost.
3. The Compost area will not be allowed within 200' of surface water, 100' from the property line, 250' from neighboring buildings and shall have a minimum lot area of three acres.
38. Adaptive Reuse of a Structure Formerly Used as a Place of Congregation for Members of a Religious Faith. Existing buildings used primarily as a place of congregation for members of a religious faith and having a minimum square footage of 2,000 sq. ft. upon termination of their use as a place of congregation for members of a religious faith may by special exception be used for professional offices. Said structures are more commonly referred to as: churches, temples, synagogues and meeting halls.
39. Modification of Frontage and Area Requirements and Area Requirements on Lot Established Subsequent to 1982. In order to allow for more flexibility and compatibility with existing lots in the development of land in an R-1 Zone located within 1,000 ft. of other developed lots or subdivisions, the Commission may grant a Special Exception to allow new lots and subdivisions to be developed with new lots having substantially similar frontage area and yard requirements as existing lots, subject to the following conditions:
1. Proposed new lots or new subdivision shall be within 1,000 ft. from the boundary of the existing lots or subdivision, the frontage, yard or area of which are being used to determine the frontage, yard and area of the proposed new lots or subdivision.
  2. Proposed new lots must have both City water and sewer.
  3. No new lot shall have a frontage of less than 50 ft. nor an area of less than 5,000 sq. ft.
  4. In the case of any subdivision or resubdivision of land, open space, either to be deeded to the City or to be owned and maintained by a homeowners' association, shall be no less than 40% of the land being subdivided or resubdivided.
  5. The layout and design of lots, roads and open space within any new subdivision shall be compatible with the design of lots, roads



and open space in the existing subdivision within 1,000 ft. thereof which is being used as the basis for the requested modifications.

6. In the case of any new subdivision or resubdivision of land, application may be simultaneously for the special exception set forth herein and for subdivision approval under the *Subdivision Regulations*.

40. Golf Driving Ranges and Miniature Golf Courses.

1. The site shall have a minimum of three acres for each recreational use;
2. Each use shall be lighted in such a fashion that the illumination is not directed onto abutting properties;
3. The location of each use shall be compatible with the neighborhood in terms of traffic, noise and number of people permitted to participate in the sport at one time. Each use shall also be compatible with its setting in scale, material and design;
4. All the other possible disturbing aspects connected with the operation of each such use shall be enclosed, screened or otherwise controlled to the extent that the operation of any such use shall not unduly interfere with the use of properties or streets in the surrounding area;
5. Parking for the miniature golf course shall be minimum one space for each hole;
6. Parking for the driving range shall conform with *§4.19.4 Quantity of Parking Spaces*;
7. The driving range shall be compatible with its setting in scale, material and design;
8. The dimensions of the raised tees will be such so as to create maximum safety for users; and
9. Signs for each use shall be no greater than 100 sq. ft. Sign space may be combined for both uses on a single sign. Each sign may be free-standing or on a building. Each sign may be externally or internally illuminated.

41. Landscape & Garden Center.

1. The site shall have a minimum of two acres.
2. The location of the facility should be compatible with other surrounding businesses that may also include some retail sale of goods on site.
3. The facility and grounds should strictly adhere to the site plan approved by the commission.
4. Vehicles, equipment and materials should be properly screened or enclosed.

5. Parking should adhere to codes as set forth in *§4.19.4 Quantity of Parking Spaces*.
6. Herbicides, pesticides, fertilizers, or other chemicals must be stored as not to create a public health nuisance or a source of pollution to either air, water, or soil in accordance with the Department of Health regulations and Connecticut Public Health Code.

42. Corporate Office/ High Technology Processing of Previously Manufactured Parts.

1. The location of the facility shall be on a site of no less than 18 acres.
2. Traditional manufacturing shall not be permitted, e.g. conversion of raw materials to finished product.
3. The facility shall be the corporate headquarters (i.e., executive) and administrative offices shall be an integral part of the facility) for the operator and owner of the facility.
4. The facility shall be compatible with its setting in scale, material and design and shall not include any outdoor storage of materials or supplies.
5. The facility shall be connected to municipal sewer and waterlines.
6. The facility shall not produce noise from the processing conducted therein which is detectable by objective measurement in excess of decibel levels permitted by State law beyond the perimeters of the site. The facility shall not emit any smoke or fumes or discharge effluent other than those, which may be associated with a corporate office building (i.e., heating and air conditioning, automotive exhaust and stormwater);
7. The use, storage or disposition of solid or medical waste, materials shall be prohibited.
8. In order to maintain a parklike setting, 40% of the site shall remain in a pervious and vegetated state.

43. Active Adult Housing.

1. *Purpose.* Active adult housing is intended to provide housing of a type and density suitable to the needs of those 55 and over. This provision recognized housing for those age 55 and over as having less impact than other higher density housing options, and therefore meriting separate consideration. The burden of complying with the Fair Housing Act, as amended and regulations promulgated there from shall be on the association of homeowners of such development.
2. *Procedure.* Upon formal application to the Planning and Zoning Commission and a public hearing thereon, the Commission may

grant special exception approval for an Active Adult Housing development. In addition to considering compliance with the applicable special exception criteria in §5.6.4 *Findings* and the standards contained herein, the Commission shall also consider the potential impacts of the proposed development on municipal services and the fiscal resources of the City.

3. *Requirements.* Applications for approval of Active Adult developments shall include a master concept plan at scale no less than 1"-100' displaying the overall site, landscape, buffers, lighting, open space, sidewalks, building placement, pedestrian paths and trails, detailed site plans as required by §5.5 *Site Plans* and architectural renderings of the building and the overall community. In addition, applicants shall provide a professional market analysis demonstrating the need and feasibility of the project. Additionally, a narrative report shall be submitted which documents the probable impact of the proposed development on municipal services and the fiscal resources of the City.

4. *Standards.*

1. The tract to be developed shall be zoned RPZ, R-15, or R-30, shall be not less than 10 acres, and shall have a minimum of 100 ft. of frontage on a public street.
  1. Waiver Provision for lots between 8-10 ac. Upon a separate and affirmative vote of the Planning and Zoning Commission the Commission may waive the above 10 ac. requirement and allow the tract to be developed to be a minimum of eight acres providing the following conditions are met:
    1. There is sufficient area to provide additional buffers where needed.
    2. The configuration of the tract allows for an orderly and functional layout for buildings, parking, and access.
    3. The Commission in its sole and legislative discretion determines the parcel is more suited to Active Adult than traditional single-family home development.
2. Residences are limited to single-family detached or attached structures and shall include a basement and/or attic for storage.
3. The proposed active adult housing development shall be a Common Interest Ownership Community as defined in *Chapter 828 of the Connecticut General Statutes*.
4. The site shall be served by public sewer and public water supply, both of which shall be capable of handling the

- demand, including hydrants sufficient for firefighting as determined by the Fire Marshall, required by the development. All utilities, (electric, cable, phone) shall be underground.
5. The maximum number of units per acre is four. In computing the number of acres for the purpose of this section, 75% of the area designed as inland wetlands and 75% of the area of slopes in excess of 25% shall be excluded.
  6. The minimum living area of each dwelling unit, inclusive of bathrooms and exclusive of hallways, shall be 900 sq. ft. The maximum number of bedrooms per residence is two.
  7. Height, yard, and building coverage requirements shall be as required in the underlying zone, except accessory buildings shall not exceed a height of 20 ft. and total impervious coverage shall not exceed 40%.
  8. The minimum distance between sidewalls of attached and detached residences shall be 20 ft. Where the distance between units is less than 24 ft., adjacent walls shall be angled to prevent parallel sidewalls. The minimum distance between rear walls of units shall be 40 ft.
  9. To provide a buffer between active adult developments and surrounding properties, no structure shall be located within 50 ft. of the overall perimeter boundary. The buffer area shall adhere to the standards in the *Subdivision Regulations* and the first 30 feet shall be planted with a mixture of trees and shrubs. If a previously approved Active Adult development is expanded and the original 50 ft. perimeter buffer is maintained, the expansion parcel perimeter buffer can be eliminated. The side yard setback however, shall be planted with a mixture of trees and shrubs.
  10. Thirty-three percent (33%) of the tract proposed for development shall be preserved as open space of which 50% of said open space shall be outside of areas designated as buffer area, inland wetlands or slopes in excess of 25%. The Commission may require the provision of a walking trail system within the proposed development. Unpaved walking trails may be counted as open space.
  11. One hundred percent (100%) of the total dwelling units to be constructed in an Active Adult Community shall be designated as Active Adult Housing units. Occupancy of

Active Adult Housing unit shall be limited to three individuals and as follows:

1. At least one individual must be aged 55 years or older;
2. Any and all spouses, companions or relatives of an occupant must be 21 years or order;
3. Any occupant pursuant to (2.) above who has ownership interest in the dwelling who survives the individual in (1.) above;
  1. Any occupant pursuant to (2.) above who has an ownership interest in the dwelling and the individual in (1.) above has entered into a long term continuing care facility;
  2. Remaining parties pursuant to (3.) above who remarry or cohabitate must meet all occupancy requirements,
  3. A personal care attendant who is in service to a resident 55years of age or older to attend to that resident's medical and/or health care needs,
  4. The management entity shall verify annually to the Zoning/ Blight Enforcement Officer that the facility is in compliance with the occupancy requirements of this section.
12. Dwelling units designated, as Active Adult Housing shall have deed restrictions limiting occupancy as required above.
13. There shall be at least three parking spaces per detached dwelling units and two parking spaces for attached dwelling units. At least one of these spaces shall be provided within an attached garage. A minimum of 25% of the detached units shall have a two-car garage. The Commission reserves the right to require guest parking. All detached dwelling unit driveways shall have a minimum of 25 ft. in length. All attached dwelling unit driveways shall have a minimum of 20 ft. in length.
14. A cash performance bond shall be filed prior to securing building permits. The developer may propose a phasing plan and post bond in accordance with said phasing plan.
15. Attached dwelling units shall not exceed 35% of total units.
5. *Design Considerations.* The design considerations shall be considered by the applicant's design team.

44. Indoor Recreational Facility. A facility where a fee is paid in exchange for activities, events, or programs related to athletics, physical conditioning and accessory activities conducted indoors. A facility may be approved by the commission if it meets the following conditions:
  1. That not more 40% of the parcel is used for the main building and accessory structures.
  2. Parking spaces will be provided in accordance with *§4.19.4 Quantity of Parking Spaces.*
  3. *Design Considerations.* The Commission will evaluate the site plan and approve a facility that is designed to blend in with the existing buildings in the zone, if any.
45. Data Center. The following standards shall apply to data centers:
  1. Building Facades visible from a City Street or Right of Way, shall avoid the use of undifferentiated surfaces by including at least two of the following design elements: change in building height, building step-backs or recesses, fenestration, change in building material, pattern, texture, color, or use of accent materials. When a building has more than one façade visible from a City Street or City Right of Way, such principal building facades shall be consistent in terms of design, materials, details, and treatment.
  2. *Screening of Mechanical Equipment.* In order to minimize visibility from adjacent roads and adjacent properties, ground level and roof top mechanical equipment shall be screened. This screening may be provided by a principal building. Mechanical equipment not screened by a principal building shall be screened by a visually solid fence, screen wall or panel, parapet wall, or other visually solid screen that shall be constructed of materials compatible with those used in the exterior construction of the principal building.
  3. *Exterior Lighting.* All exterior lighting shall be designed and constructed with cutoff and fully shielded fixtures that direct light downward and into the interior of the property and away from adjacent roads and adjacent properties.
  4. *Buffer Yard Requirement.* Any property that abuts a residential zone shall site the proposed data center in a manner to screen or buffer the data center by use of natural topography and preservation of existing vegetation, supplemented by new vegetation, if needed, with landscaped earthen berm. Advisory opinion from Design Review Board shall be submitted with site plan.
46. Redevelopment Design District.

1. *Purpose and Intent.* The Redevelopment Design District (RDD) was developed to foster high-quality redevelopment of Brownfields, old industrial sites, and vacant and/or underutilized properties and building that have outlived their useful life or have been adversely affected by perceived or actual environmental contamination. The intent of a Redevelopment Design District is to permit principal buildings and uses or groups of principal buildings and uses as a unified development on a single parcel or across contiguous parcels that have been combined for this purpose. The code permits flexibility from underlying zoning requirements through the creation of a redevelopment design district overlay zone and a special exception/site plan approval with an emphasis on high quality development that will remediate contamination, remove blight, and add value while assuring that all projects reflect a quality aesthetic that enhances the character of the City/neighborhood. Redevelopment Design Districts shall inspire a more harmonious relationship between the development, the parcel(s), and the surrounding area than is possible using underlying zoning codes, promote access to services and transportation, protect the character of the community and abutting parcels, and foster thoughtful site design. In addition, it is the purpose of this code to:
  1. Revitalize parcels with development that will provide for a variety of housing and business opportunities.
  2. Invigorate industrial parcels into distinctive residential, retail, and/or service establishments.
  3. Encourage smart growth and low-impact development.
  4. Provide for sustainability and resiliency.
  5. Promote the development of human-scale neighborhoods, preferably in walking distance of public transit.
  6. Assist the City of Middletown to comply with the State Zoning Enabling Act, § 8-2 of the *Connecticut General Statutes*, by adopting zoning codes that promote economic diversity and housing choice.
  7. Ensure high quality site planning, architecture, and landscape design that is consistent with the surrounding neighborhoods and the distinct visual character of the historic structures in Middletown.
  8. Establish development standards that ensure context-sensitive design and creative site planning in the reuse of existing buildings, and construction of new buildings.
  9. Notwithstanding approval of a Redevelopment Design District, the requirements of the underlying zone shall continue to apply if a project approved as a

Redevelopment Design District is not constructed within statutory timeframes.

2. *General Concepts.* The RDD is an optional development that may be permitted in lieu of a standard development under the requirements of the underlying zone via zone change, special exception and site plan approval. The RDD codes promote careful attention to the design and aesthetics of buildings and site development features with special consideration given to insure that surrounding areas and neighborhoods are not negatively impacted. The establishment of commercial, residential and mixed land use patterns must accomplish the stated purpose of the code. The successful applicant will present plans with features and amenities that are supportive of, and complimentary to the proposed uses and consistent with the City's *Plan of Conservation and Development*. It is the express intent of these codes to provide a framework for development proposals through the statement of use and design while offering the applicant flexibility to fit market demand and existing site conditions.
3. *Required Primary Parcel Characteristics.* The RDD must be located on parcels designated as brownfields or former brownfields, grayfields, contain blighted structures, and/or consist of vacant and/or underutilized parcels. Such vacant and/or underutilized parcels shall contain either:
  1. Vacant or underutilized industrial buildings or groupings of buildings, or
  2. Vacant parcels that have, or have previously contained vacant or underutilized buildings or groupings of buildings. The RDD codes may not be used to develop greenfields, open space, or any other area that has not been previously developed, unless the development of such spaces is a Secondary Parcel (described below). The primary parcel, whether or not combined with other parcels, must exhibit one or more of the aforementioned characteristics.
4. *Pre-Application Discussion.* Applicants are encouraged to participate in a pre-application meeting with City staff or with the Commission as provided for in accordance with §7-519b of the *Connecticut General Statutes*, as may be amended, to discuss the conceptual design and physical attributes of a proposed development. Applicants are also encouraged to engage the State Department of Transportation and/or the Office of the State Transportation Administration in the early stages of the development process where a State Traffic Certificate will be required.



5. *Where Permitted.* The RDD shall be permitted any zone where the applicable characteristics exist. Limited consolidation with parcels that do not exhibit the required characteristics may only be permitted as specified below.
  1. *Parcel Consolidation.* The consolidation of contiguous parcels may be necessary to meet the minimum area requirements of the codes.
    1. It shall be acceptable to consolidate adjacent parcels in order to provide the minimum required parcel size and/or to accommodate a larger unified development. There shall be established one primary parcel that qualifies as having the desired parcel characteristics. That parcel shall be deemed the “Primary Parcel” for the purposes of consolidation.
    2. Secondary parcels used in combination with the primary parcel may have any property history including residential, and may be located in any zone.
    3. Any such secondary parcel used in combination with the primary parcel shall be combined in fee to insure a consistent development.
6. *Permitted Uses.*
  1. *Primary Uses.* The following uses shall be permitted in the Redevelopment Design District.
    1. Commercial and mixed uses in accordance with *§5.6.8.46.8 Commercial and Mixed-Use Development.*
    2. Residential uses in accordance with *§5.6.8.46.9 Residential Development Only.*
    3. Industrial uses on sites located in Industrial Zoning Districts only in accordance with *§5.6.8.46.10 Industrial Development.*
  2. *Accessory Uses.* In addition to the primary structures, accessory structures designed in accordance with these codes may be permitted as follows but only if shown on the approved site plan:
    1. Storage buildings necessary for the maintenance of the facility
    2. Fences
    3. Residential decks
    4. Outdoor dining and gathering areas

5. Community amenities such as club house, swimming pools, pet areas, walking trails, and game courts
  6. Parking necessary to support the proposed use
  7. Parking structures meeting the requirements of this section.
  8. Signage as permitted in the underlying zone
  9. Outside storage in Industrial zones shall only be permitted to the extent that it is allowed in the underlying Industrial Zoning District.
7. **Bulk Requirements.** With the exception of the bulk requirements for the B-1 Zone, which shall be as required in accordance with the zoning codes for the underlying Zone, the following bulk requirements are deemed to be the minimum allowable in the Redevelopment Design District.

Parcel Size:	Three acres minimum (may include primary and secondary parcels).
Frontage:	Sufficient to provide safe access.
Building Coverage:	40% maximum but may be increased to 70% if structured parking is provided; however
Impervious Coverage:	70% maximum including all impervious surface area; however, this standard shall not be applicable to the B-1 Zone.
Landscape Requirement:	30% minimum of entire site and may be used to provide stormwater management; however, this standard shall not be applicable to the B-1 Zone.
Front Yard:	24 ft. minimum, but may be reduced to 5 ft. to maintain streetscape harmony with adjacent buildings; however, this standard shall not be applicable to the B-1 Zone.
Side Yard:	8 ft. minimum; however, this standard shall not be applicable to the B-1 Zone.
Rear Yard:	8 ft. minimum; however, this standard shall not be applicable to the B-1 Zone.
Building Height:	60 ft. maximum (excluding façade, parapets or screening), however, this requirement shall not be applicable to the B-1 Zone.
Residential Density:	20 units per acre maximum, based upon satisfaction of parking, landscaping, and stormwater management requirements, however, this requirement shall not be applicable to the B-1 Zone.
Commercial Density:	Based upon satisfaction of parking, landscaping and stormwater management requirements.

8. *Commercial and Mixed-Use Development.* The applicant may propose commercial and/or commercial/ residential mixed use:
  1. Residential space shall conform in type and unit size to that described in the §5.6.8.46.9 *Residential Development Only*.
  2. No single commercial end user shall occupy in excess of 12,000 sq. ft.
  3. Commercial space shall occupy all at-grade street facing façades where projects are oriented within 10 ft. of the street line.
  4. Permitted commercial uses shall include:
    1. Retail, and restaurants, but not vape shops, hookah lounges, adult uses or package stores, pawn shops, or consignment stores.
    2. Personal services, but not tattoo parlors.
    3. Liquor sales in connection with food service establishments may be permitted to the extent that tables for food service shall comprise no less than 80% of the patron service area and no live entertainment shall be permitted. In deference to any residential component of the development, commercial operations shall submit a business plan detailing how such use will avoid detriment to the quiet and peaceful enjoyment of residents.
    4. Offices including, but not limited to general, medical, dental, financial.
9. *Residential Development Only.* The applicant may propose a multifamily development in accordance with the following standards:
  1. Permitted residential uses shall include:
    1. Studio and One bedroom units shall be a minimum of 500 sq. ft. gross floor area.
    2. Two bedroom units shall be a minimum of 700 sq. ft. gross floor area.
    3. Three bedroom units shall be a minimum of 1,000 sq. ft. gross floor area.
    4. Kitchen, bedroom, dining and living areas may be arranged in any manner to meet the requirements of this section.
    5. Rooming houses, group homes, save those permitted by §8-3e-g of the Connecticut General Statutes, as may be amended.

10. *Industrial Development.* The applicant may propose industrial development within existing industrial buildings, or new construction on former industrial sites in any Industrial Zone where it can be adequately demonstrated that the industrial use is compatible with surrounding uses and commercial and/or residential uses are not compatible with surrounding used based upon the following set of directives:
  1. Property contamination is such that remediation is not cost effective and any other use is impermissible or undesirable.
  2. Such industrial use is re-use is compatible with the surrounding area.
  3. Such use would not imply any greater impact to the property or the surrounding properties than what would otherwise be permitted in the underlying zone.
11. *Application Procedure/ Approvals Required.* Within the RDD, a project may be proposed on a parcel or a consolidation of parcels meeting the prescribed parcel characteristics. The minimum standards for submittals are as follows:
  1. Zone Change. A zone change shall be considered in tandem with the special exception application and shall conform in every manner to the process as prescribed by these codes.
  2. Special Exception/ Concept Plan. A concept plan (18 copies) shall be required for approval of a special exception. The concept plan will demonstrate the viability of the redevelopment project without a full investment in engineered site details. The applicant may choose to obtain approval of a special exception prior to applying for site plan approval, or both approvals may be sought concurrently, in which case the site plan may be used as the concept plan, including required renderings. The concept plan shall graphically illustrate the spatial and physical layout of the proposed redevelopment. At a minimum, the concept plan shall include:
    1. A concept plan showing such features as:
      1. Survey of existing features such as buildings, parking, landscaping, topography and utilities.
      2. Proposed building location(s).
      3. All on-site signage
      4. Landscaping elements including proposed buffers
      5. LID features – proposed location and type

6. Public spaces
  7. Parking and lighting
2. Elevation drawings of key features including:
  1. Building façades
  2. Public spaces
  3. Key building and site design elements
  4. At least one perspective rendering from a prominent viewing angle
3. Project narrative to include:
  1. Applicant's interest in subject property
  2. Evidence of sufficient access to capital to successfully compete the project
  3. Project management team
  4. Zoning data including, but not limited to:
    1. Existing historical and/or natural features
    2. Zoning compliance statement for proposed development
    3. If commercial mixed use, proposed tenant mix by type, area and use designations in tabular form
    4. Parking compliance statement in tabular form
    5. Phasing plans if applicable
    6. Estimated project duration
3. Site Development Plan/Site Plan. The site development plan (18 copies) shall be submitted and the plan approval process shall comply with all the requirements of these codes and all other requirements described in the City of Middletown's codes. In addition to applicable codes found elsewhere in this code, an RDD shall comply with all standards found in this subsection.
  1. The site plan shall be an accurate reflection of the conditions presented on the approved concept plan. Minor deviations from the concept plan may be approved administratively. Minor deviations may include:
    1. Movement of a structure in any direction in an amount equivalent to 10% of structure width or length relative to the direction of movement so long as required yard and buffer codes are not violated, and parking, landscaping, and/or LID requirements are not adversely impacted.

2. Reduction in the size of a structure up to 10% of the gross approved area.
  3. Any change in proposed use of 5,000 sq. ft. or less that does not increase impervious surface area or adversely affect parking ratios.
  4. In all other instances, or where site circulation, aesthetics and overall design are concerned, the Commission shall be the sole authority as to whether any plan deviation is minor or significant. If deemed minor, the Commission may permit administrative approval.
  5. If deemed significant, the applicant may be required to seek a site plan modification and/or re-approval of the concept plan via special exception.
12. *General Development Standards.* Careful site planning is an essential element of the RDD. It is the express intent of these codes to incentivize projects that do not result in conventional commercial or residential development. Rather, the codes will require that development plans take into consideration the following factors:
1. The project design for a mixed use project shall strive to incorporate a village theme into responsible, sustainable residential, commercial, or mixed-use development.
  2. Site design shall comply with the Design Requirements (herein) and take into consideration the functionality and importance of pedestrian and transit-friendly amenities as well as guiding building and site design.
  3. In mixed use projects, project design shall attempt to incorporate interior and/or exterior plaza or court features to serve as central gathering, dining and/or vendor spaces.
  4. The project design shall protect and promote significant historic or natural features and shall take into account structures of historic and/or cultural value.
  5. Low impact development techniques (LID) must be considered and incorporated into all development - redevelopment plans and all plans shall strive to manage stormwater on the site, providing opportunities for groundwater recharge and increased stormwater quality to the extent feasible given constraints such as high ground water, floodplains, and/or soil types.

6. Landscaping and buffer design shall be incorporated in accordance with §5.6.8.46.14 *Landscaping, Buffers and Screening*.
  7. Projects meeting these goals will receive stronger consideration.
13. *Design Requirements.* All plans must first be submitted to the Design Review and Preservation Board, for review and consideration. The Design Review and Preservation Board shall apply the standards found within the City of Middletown Design Guidelines. All applicants are urged to consult the Design Guidelines to inform the development of plans. In general, applicants are urged to pay mind to the following guiding principles for new construction and renovations.
1. For mixed use development, scale shall strive to be compatible with surrounding uses and shall relate to the human form.
  2. Massing of new structures shall be arranged in a manner that minimizes the appearance of a barracks, or row house style development.
  3. Excessive contiguous building surfaces shall be discouraged.
  4. Architecture should embrace creativity and ingenuity in design.
  5. Proportionality shall be considered. Spatial relationships between windows, doors, signs and other architectural elements shall be compatible with the architectural style of the building and its surroundings.
  6. For building and freestanding signage, internally illuminated “can” lights are to be avoided in favor external or backlit “halo” type lighting.
  7. For the purposes of these codes, prototypical architecture is equivalent to signage.
  8. Where applicable, roof shapes and pitches shall be compatible with or provide enhancement to, surrounding structures. Pitched roofs are preferred, but flat roofing may be considered to maintain the character of a specific area. “Green” roofs may be used to offset LID requirements on the ground.
  9. Windows and doors shall be designed so that placement patterns maintain a balance, conveying a sense of continuity and unity.
  10. Placement shall provide and strengthen a sense of unity with surrounding structures where applicable.

11. Fenestration shall take into consideration building views from all sides (Figure 1).

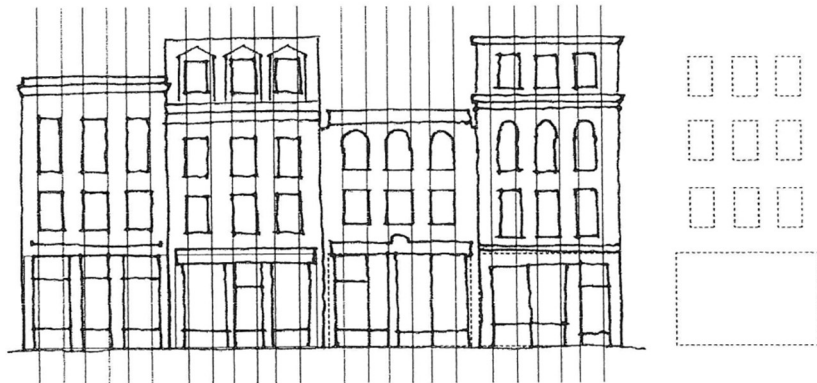


Figure 1

12. Mechanical equipment, utilities and dumpsters shall be screened from view from the public way from any angle or located underground.
13. For mixed use developments, loading docks and areas shall not be visible from public streets or from residential zones. All such facilities shall be designed as an integral part of the building, shall be suitably screened, shall not detract from the appearance of the building or site, and shall be accessible to all commercial areas within the building.
14. Dumpsters shall be screened so as not to be visible from public view. All dumpsters shall be placed on a concrete pad, appropriately screened with commercial grade opaque fencing, and maintained for the life of the project. The location and design of the screening/enclosure shall be shown on the Site Plan. Restaurant dumpsters shall be located a minimum of 50 ft. from any residential use and shall be maintained and cleaned regularly to reduce odors, including the use of environmentally friendly chemical additives to combat odor.
14. Landscaping, Buffers and Screening. Landscaping shall be provided in accordance with this code.
  1. All development proposals shall be rich in native, non-invasive plant, shrub, and flower species selected to provide as natural and interesting a setting as can be achieved as well as providing for both wither and summer greenery.
  2. Plans shall be submitted to the Urban Forestry Commission. UFC shall be consulted regarding the



- landscaping plan and comments from the UFC shall be incorporated into the plan to the greatest extent possible.
3. Where the Commission deems that a reduction in the required front yard setback is beneficial to the project, required front yard landscaping may be reduced in kind, but shall not reduce the overall amount of landscaped area as required by these codes.
  4. Landscape areas shall include vegetated buffers, screening, and low impact development elements used for creative stormwater management, except that no detention/retention basins shall be permitted
  5. within the required landscape area unless designed to mimic a functional and natural water feature, or as an aesthetically pleasing landscape focal point.
  6. Not more than 30% of such landscape area may be comprised of wetlands, watercourses, special flood hazard areas or slopes in excess of 25%.
  7. An area computation shall be provided in tabular form on the landscaping plan to confirm the appropriate makeup of landscaped area.
  8. In addition to the required minimum landscaped area of this subsection:
    1. Front Yard landscaping shall consist of at least 40% vegetated area comprised of turf, shrubs, mulch and at least one deciduous native tree species for every 50 ft. of frontage. This requirement may be reduced where the commission requires a reduction of the front yard setback.
    2. Parking lot landscaping shall consist of one interior native deciduous shade tree for every 20 unstructured parking spaces.
    3. For every 1,500 sq. ft. of disturbed/ developed/ redeveloped area, one tree and 3 shrubs shall be planted. The Commission may waive this requirement for mixed use development in urban settings, but shall maintain the need for street trees and non-structured parking areas.
    4. Buffers and screening at the site perimeter shall take into consideration adjacent uses and building mass in proximity to property lines. At a minimum, non-compatible uses shall be buffered from each other by solid vegetated buffers and/or opaque fencing and exposure to compatible land uses shall

be softened through the use of strategically placed landscaping.

15. *Parking.*

1. Where feasible, parking structures shall be utilized. Any such parking structures, if so situated, shall incorporate street level façades.
2. All other parking shall be provided in open lots and/or common or private garages.
3. The view of open lot parking from streets and abutting properties shall be softened with landscaping and or structures.
4. Parking shall be in an amount equivalent to that required for each separate use.
5. If parking is to be combined for mixed uses, the applicant may avail themselves of percentage reductions of up to 30% of the required parking where it can be adequately demonstrated that offset peak parking demand exists. A report from a certified traffic engineer is required to demonstrate the applicability of the requested reduction.
6. For developments with parking loads in excess of 100 or more spaces, a traffic report is required and shall be prepared by a certified traffic engineer. Such report shall include detailed information on the project's impact on and to the local street network as well as a review of levels of service and vehicular and pedestrian safety.
7. Parking may be permitted in off-site lots when a project is located with the B-1 Zone.
8. Parking spaces shall otherwise be provided in number and form as required under these codes.
9. Electric vehicle charging stations shall be required in an amount equivalent to the parking standards for the underlying zone.

16. *Access Management.* The implementation of Access Management should focus on the following:

1. Limit the number of access points.
2. Choose access locations that reduce conflicts within the development and on adjacent streets.
3. Encourage shared access between lots.
4. Consolidate access for contiguous lots.
5. Where possible, access locations shall be designed to be no less than 100 ft. from intersections, unless aligned with a signalized intersection.

17. *Stormwater Management and Floodplain.* A stormwater management plan shall be submitted at the time of site plan

application. Such plan shall utilize and follow the tenets of low impact development and stormwater management design.

18. *Flood plain.* Any development within a flood zone as defined by FEMA as described on a Federal Insurance Rate Map (FIRM) must comply will all codes and standards herein, or elsewhere in this zoning code or City Ordinance.
19. *Phasing.* The applicant may wish to phase the redevelopment project and may do so under the following conditions:
  1. The applicant shall own all aspects of the project in fee simple, including proposed future phases.
  2. Each phase must be designed in a manner that permits it to stand alone as a complete redevelopment project in the case that any approved future phases are not constructed.
  3. Each phase shall comply with this code in its entirety.
  4. Prior to the issuance of any certificate of occupancy by the building official, the applicant shall submit a financial guarantee in an amount and type satisfactory to the City of Middletown for any unfinished portion of any phase of an approved project.

47. Breweries, Distilleries, & Brewpubs.

1. The building, site, and uses shall be in compliance with the Connecticut Liquor Control Act and all permitting requirements with the Connecticut Department of Consumer Protection.
2. The site and use shall have adequate capacity for wastewater and sewer discharge.
3. Parking supplied shall comply with *§4.19 Off-Street Parking and Off-Street Loading*.
4. The site and use shall have adequate water supply.
5. Live or recorded music played indoors is allowed.
6. Breweries and distilleries may have a tasting or tap room for onsite consumption of products produced on site.
7. Retail sales for off-site consumption shall be limited to only products produced on site at breweries or distilleries.
8. Retail sales directly to customers for off-site consumption at brewpubs is prohibited.
9. Meeting rooms, banquet rooms or other gathering spaces are allowed.
10. Accessory outdoor uses:
  1. Onsite consumption may extend to outdoor space provided that the space is fully enclosed with ingress through the indoor tasting room, tap room or restaurant, whichever is applicable. Outdoor space is subject to the

parking requirements of *§4.19 Off-Street Parking and Off-Street Loading*.

2. Food trucks may be allowed on a limited basis subject to approval by the Commission.
3. Outdoor recreational space may be allowed when, the area is designated in fenced area shown on a site plan subject to approval by the Commission. Any outdoor recreational space shall be a minimum 50 ft. from any residential zone and shall require dense vegetative screening in that 50 ft. buffer area.
4. Any music played or projected outside shall be limited subject to the approval of the Planning & Zoning Commission.

48. Farm Winery/ Farm Brewery/ Farm Cidery.

1. Shall be located on a minimum five acres of contiguous land and a minimum of two acres of land shall be used for growing grapes, hops, apples, or other produce utilized in the production of wine, beer, or cider.
2. Production quantities shall be in compliance with State of Connecticut permitting requirements.
3. The following activities may be allowed as part of a farm winery, farm brewery, or farm cidery use subject to special exception approval:
  1. Retail sale of wine/beer/cider and related items;
  2. Tasting room;
  3. Wine/beer/cider sales by glass or bottle;
  4. Art gallery;
  5. Meetings;
  6. Wine/beer/cider tasting;
  7. Tours;
  8. Private weddings or banquets;
  9. Wine/beer/cider/food events on a minimum 20 ac. of contiguous land;
  10. Wine/beer/cider festivals on a minimum 20 ac. of contiguous land;
  11. Catered events;
  12. Incidental service and sale or other pre-packaged non-alcoholic beverages and cold pre-packaged food for consumption on the premises;
  13. Incidental sale of souvenirs and winery/brewery/cidery-related items provided that any area designated for such sales;

14. Any person or group of persons may bring food for consumption on the premises, unless prohibited by the establishment;
  15. Production, sale, or consumption of ciders at farm wineries and breweries.
4. A waste management plan that addresses waste disposal and pretreatment of wash-down and waste water processing shall be submitted for review by the Planning and Zoning Commission with consultation from applicable City departments. If applicable, the plan shall comply with the requirements of the Watershed Protection District. Any compost piles shall be a minimum 200 ft. from any wetland or watercourse.
  5. An opaque, vegetative or fencing screening buffer shall be provided between any parking and loading areas, and any structure or outdoor seating areas open to customers and any abutting residential use.
  6. Outdoor lighting fixtures shall not be higher than 14 ft. from the ground and shall not exceed 80 watts.
  7. Live or recorded music may be provided between the opening to the public to 8:00 p.m. on Monday through Saturday and 6:00 p.m. on Sunday.
  8. A traffic management plan shall be provided for activities that draw a high volume of parking demanded including but not necessarily limited to weddings, banquets, catered events, tours, wine/beer/cider/food events and festivals.
49. Cannabis Micro-Cultivation.
1. Pursuant to the terms of the Responsible and Equitable Regulation of Adult-Use Cannabis Act, as amended, a special exception shall not be granted for a Cannabis Micro-Cultivator that would result in an amount that: (1) until June 30, 2024, exceeds the density cap of one Cannabis Micro- Cultivator for every 25,000 residents, and (2) on and after July 1, 2024, exceeds any density cap determined by the Commissioner of Consumer Protection.
  2. A vegetative or fencing screening buffer shall be provided between the establishment and any abutting residential use.
  3. A traffic management plan shall be provided that demonstrates adequate safety measures for vehicular and pedestrian traffic in response to the site conditions and conditions along adjacent streets.
  4. Consumption either orally, topically or by inhalation of any cannabis products outdoors on the premises is prohibited.

5. Any deliveries of cannabis products leaving the establishment and sold directly to the consumer shall occur between the hours of 8:00 a.m. and 10:00 p.m. daily.

50. Cannabis Retail.

1. Pursuant to the terms of the Responsible and Equitable Regulation of Adult-Use Cannabis Act, as amended, a special exception shall not be granted for a Cannabis Retail Establishment that would result in an amount that: (1) until June 30, 2024, exceeds the density cap of one Cannabis Retail Establishment for every 25,000 residents, and (2) on and after July 1, 2024, exceeds any density cap determined by the Commissioner of Consumer Protection.
2. The establishment shall be located along a state highway.
3. The site plans shall provide a landscaped or fencing screening buffer from any abutting residential use.
4. A traffic management plan shall be provided that demonstrates adequate safety measures for vehicular and pedestrian traffic in response to the site conditions and conditions along adjacent streets.
5. Consumption either orally, topically or by inhalation of any cannabis products outdoors on the premises is prohibited.

## Article VI. Use Schedules

**§6.1 Residential Zones Use Schedules.** No land shall be used or occupied and no structure shall be erected, constructed, reconstructed, altered or used, except for any use of the following permitted uses, special exception uses, accessory use, permitted Residential Unit Business Pursuit uses, or uses by temporary uses. In any cases where a use is alleged to be similar to a specified use referred to in the following schedule its status shall be determined by the Commission by reference to the most clearly similar use or uses that are specifically referred to in the use schedule or declared that the use is not similar. When the status of a use has been so determined, such determination shall thereafter have general applicability to all uses of the same type.

**1. Permitted Uses.** The following uses may be operated as Permitted Uses:

<u>Permitted Uses</u>	<u>RPZ</u>	<u>R-15</u>	<u>R-30</u>	<u>R-45</u>	<u>R-60</u>	<u>R-1</u>	<u>M</u>
Single-Family Dwelling, detached.	•	•	•	•	•	•	•
Two-Family Dwelling.	•						•
Farming or other agriculture uses—any green house that brings the total of such ground area to 5,000 sq. ft. or more shall be a Special Exception. Seasonal farm stands shall be allowed provided they receive site plan approval and are a part of a farming operation in excess of five acres and products sold are grown or produced on the premises where the stand is located or elsewhere in Middletown and up to 25% of the products sold may be grown or produced elsewhere in the region. Appropriate parking as determined during the site plan process shall be required.	•	•	•	•	•		
Residential Unit Business Pursuit.	•	•	•	•	•	•	•
Assisted Elderly Housing on City property and within 500 ft. of an existing city operated elderly housing facility. Density 11 units per acre, parking in accordance with §4.19.4 <i>Quantity of Parking Spaces (Urban Core Living Unit)</i> , all other requirements in accordance with the R-15 zone.		•					

**2. Special Exception Uses.** The following uses by Special Exception may be permitted in accordance with the provision of §5.6 *Special Exceptions*:

<u>Special Exception Uses</u>	<u>RPZ</u>	<u>R-15</u>	<u>R-30</u>	<u>R-45</u>	<u>R-60</u>	<u>R-1</u>	<u>M</u>
Child Care Facilities. (§5.6.8.2)	•	•	•	•	•		
Two-family dwellings and single-family dwellings with less than 50ft. of frontage on lots of record. (§5.6.8.29)	•						
Public Utility buildings and structures. (§5.6.8.11)	•	•	•	•	•	•	•

<u>Special Exception Uses</u>	<u>RPZ</u>	<u>R-15</u>	<u>R-30</u>	<u>R-45</u>	<u>R-60</u>	<u>R-1</u>	<u>M</u>
Multi-family Dwelling. (§5.6.8.22)							•
Natural Resource Extraction. (§5.6.8.10)		•	•	•	•		
Adaptive residential use for structures currently or recently occupied by non-conforming use.	•	•	•	•	•		•
Adaptive historic preservation use harmonious with the physical characteristics and originally designed use of the structure. (§5.6.8.27)	•	•	•	•	•	•	•
Cemeteries and other places of burial of the dead. (§5.6.8.x) (44.04)	•	•	•	•	•	•	
Churches and other places of worship, including parish houses. Parish house shall include a one or two-family house used by a Church as personal residence by members of its clergy and/or its full-time employees.	•	•	•	•	•	•	
Convents, monasteries and similar uses.	•	•	•	•	•	•	
Educational Institutions.	•	•	•	•	•	•	
Group Homes pursuant to §1.15 Definitions provided said Use shall not be within 2,500 ft. of another group home as defined in §1.15 Definitions. Parking shall be provided at a rate of one space for each adult resident. As a reasonable accommodation the Commission may waive any requirement, including the public hearing process, during the special exception process.	•	•	•	•	•		
Outdoor Recreational uses such as: Parks, Playgrounds, Playfields, Golf courses, Boating areas, Community buildings, Developed open space, such as Arboreta, Botanical and Zoological gardens and similar recreational uses.	•	•	•	•	•	•	
Care\Nursing Homes. (§5.6.8.30)							•
Bed and Breakfast. (§5.6.8.31)	•						
Bus stop Passenger Shelter. (§5.6.8.26)	•	•	•	•	•	•	•
Veterinary Hospitals\Practice. (§5.6.8.34)	•						
Leaf Composting Area. (§5.6.8.37)				•	•		
Adaptive Reuse as a professional office of a structure formerly used a place of congregation for members of a religious faith. (§5.6.8.38)	•						
Modification of Frontage and Area Requirements on Lots Established Subsequent to 1982.						•	
Permanent Year Round Farm Markets.	•	•	•	•	•		



<u>Special Exception Uses</u>	<u>RPZ</u>	<u>R-15</u>	<u>R-30</u>	<u>R-45</u>	<u>R-60</u>	<u>R-1</u>	<u>M</u>
Active Adult Housing.	•	•	•				
Elderly Housing within 500 ft. of an existing elderly housing facility. Density 11 units per acre, parking in accordance with the R-15 zone.		•					
On properties that contain Existing Age Restricted (55 & Older) Multi -Family Housing density not to exceed 24 units per acre on property having at least 2 ½ acres or more.							•
Farm Brewery. (§5.6.8.48)	•	•	•	•	•		
Farm Cidery. (§5.6.8.48)	•	•	•	•	•		
Farm Winery. (§5.6.8.48)	•	•	•	•	•		

3. *Accessory Uses.* The following accessory uses shall be permitted in accordance with the provisions of §4.10 *Limitations on Accessory Uses.*

<u>Accessory Uses</u>	<u>RPZ</u>	<u>R-15</u>	<u>R-30</u>	<u>R-45</u>	<u>R-60</u>	<u>R-1</u>	<u>M</u>
Accessory Apartments. (§4.11)	•	•	•	•	•	•	•
Uses customarily incidental to the main or principal building or land use.	•	•	•	•	•	•	•
Required off-street parking and loading space.	•	•	•	•	•	•	•
Business office, provided that there is conducted in said office only business incidental to the rental, operation, service and maintenance of the dwelling.							•
Incidental services for the convenience of occupants, such as newsstands, snack bars, personal service shops, provided that not more than 5% of the total floor area of the building is used.							•

4. *Uses by Temporary Permit.* The following are permitted as temporary uses:

<u>Temporary Uses</u>	<u>RPZ</u>	<u>R-15</u>	<u>R-30</u>	<u>R-45</u>	<u>R-60</u>	<u>R-1</u>	<u>M</u>
Temporary buildings or yard for construction material or equipment both incidental and necessary to construction within the immediate area, provided, however, that each permit shall be valid six months and shall not be renewed for more than four successive periods at the same location	•	•	•	•	•	•	•
Temporary office or model house, both incidental and necessary for sale or rental of real property within the immediate area provided, however, that each permit shall be valid for a period of not more than six months and shall not be renewed for more than four successive periods at the same locations	•	•	•	•	•	•	•

<u>Temporary Uses</u>	<u>RPZ</u>	<u>R-15</u>	<u>R-30</u>	<u>R-45</u>	<u>R-60</u>	<u>R-1</u>	<u>M</u>

5. **Prohibited Uses.** Any use not specified as a permitted use, special exception, accessory use, permitted home occupation use or use by temporary permit are prohibited uses.

<u>Prohibited Uses</u>	<u>RPZ</u>	<u>R-15</u>	<u>R-30</u>	<u>R-45</u>	<u>R-60</u>	<u>R-1</u>	<u>M</u>
Junk Yards	•	•	•	•	•	•	•

**§6.2 Business Zones, Industrial Zones and Other Non-Residential Zones Use Schedule.** No land shall be used or occupied and no structure shall be erected, constructed, reconstructed, altered or used, except for any use of the following permitted uses, special exception uses, accessory uses, permitted home occupation uses or uses by temporary uses.

1. **Permitted Uses.** The following uses may be operated as permitted uses:

<u>Permitted Uses</u>	<u>B-1</u>	<u>B-2</u>	<u>NPC</u>	<u>IRA</u>	<u>I-1</u>	<u>I-2</u>	<u>I-3</u>	<u>I-4</u>	<u>IT</u>	<u>IOP</u>	<u>ID</u>	<u>SMH</u>	<u>RF</u>	<u>PL</u>
Agriculture, including nurseries and farms, hydroponics farming.					•	•	•		•					
Raising crops, nursery stock or trees.								•						
Animal hospitals, veterinary clinics, etc. Animal hospitals, kennels, display and housing and board of pets and other domestic animals, provided that any enclosures or buildings in which animals are kept shall be at least 200 ft. from any residential zone or residential structure and at least 100 ft. from any B-1 zone, and exercise runs shall be enclosed on four sides by a sight-obscuring un-pierced fence or wall at least five feet in height. Noise and other possible disturbing aspects connected with the operation of such use shall be enclosed, screened or otherwise controlled to the extent that the operation of any such use shall not unduly interfere with the use of properties or streets in the surrounding area.				•	•									
Automobile, truck, repair garages to provide services such as rebuilding, body and pant work, overhauling, tire re-treading or recapping, but not to include commercial wrecking, dismantling or junk yards – all parking and storage areas shall be paved with concrete, asphalt or comparable hard surface.					•									
Automobile services, farm implements--automobile, truck trailers, farm implements, for sale, display, hire or repair, including sales lots, used car lots, trailer lots, repair garages, body and fender shops, paint shops, but not within 50 ft. from any residential zone.					•									

<u>Permitted Uses</u>	<u>B-1</u>	<u>B-2</u>	<u>NPC</u>	<u>IRA</u>	<u>I-1</u>	<u>I-2</u>	<u>I-3</u>	<u>I-4</u>	<u>IT</u>	<u>IOP</u>	<u>ID</u>	<u>SMH</u>	<u>RF</u>	<u>PL</u>
Banks--savings and loan companies, finance companies and similar services.	•	•	•											
Blacksmith shop, welding or other metal working shop and machine shops.			•	•	•	•			•					
Building and related trades—including carpenter shops, electrical, plumbing, paint shops, heating shops, paper hanging shops, furniture upholstering and similar enterprises, but not within 100 ft. from any residential zone. In the B-2 Zone no exterior storage shall be permitted.		•	•	•	•	•								
Commercial studios and art studios—including automobile driving schools, business colleges, trade schools, dancing studios, photographic studios, radio and telecasting studios.	•	•	•		•									
Commercial Parking Lots, need not be enclosed.	•	•												
Contractor's yard and related establishments—including building material yards (excluding concrete mixing, contractor's equipment storage yard or plant); or storage yard for rental of equipment commonly used by contractors; trucking or motor freight stations or terminals; retail lumber yards, including incidental millwork; storage and sale of grain, livestock feed or fuel; carting, express or hauling establishments, including storage of vehicles; provided new uses are conducted either (1) wholly within a completely enclosed building or buildings, except for storage of vehicles, which building shall be distant at least 100 ft. from any residential zone or (2) when conducted within an area completely enclosed on all sides with a solid wall or uniformly painted solid board fence not less than six feet high, but not within 200 ft. of any residential zone; provided further that all storage yards related to the uses in this paragraph shall be enclosed.					•									
Eating and drinking establishments—including eating and drinking places, summer gardens, and roadhouses (Excluding drive-in restaurants); provided that such use is not within 200 ft. of any residential zone.		•												
Eating and drinking places—including soda fountains, ice cream parlors, tea rooms, private dining rooms and restaurants, banquet halls and clubs, subject to all applicable codes and such permits and licenses as may be required by, but not including drive-in restaurants.	•	•												
Dry Cleaning Establishments.			•		•									
Entertainment—including theaters, radio and television studios, bowling alleys, assembly halls, or similar places of assembly or entertainment.	•	•												

<u>Permitted Uses</u>	<u>B-1</u>	<u>B-2</u>	<u>NPC</u>	<u>IRA</u>	<u>I-1</u>	<u>I-2</u>	<u>I-3</u>	<u>I-4</u>	<u>IT</u>	<u>IOP</u>	<u>ID</u>	<u>SMH</u>	<u>RF</u>	<u>PL</u>
Hotels and Inns—but not including Motels.	•		•											
Laboratories—including experimental, photographic or testing laboratories, dental and medical, provided no operation shall be conducted or equipment used which would create hazards, noxious or offensive conditions.			•	•	•	•	•		•	•				
Manufacturing – A use engaged in the basic processing and manufacturing of materials, parts or products from extracted or raw materials or from previously prepared materials, including processing, fabrication, assembly, treatment, packaging, and incidental storage, sales and distribution of such products.			•	•	•	•	•		•					
Enterprises, which perform the following activities with non-primary, finished components or goods; manufacturing with all its integral functions, fabrication, assembly, testing, packaging, storage and distribution.								•						
Mortuaries or funeral homes—including ambulance service.	•	•												
Newspaper and job printing.	•		•		•									
Non-commercial uses such as churches and other places of worship; libraries, museums, and similar institutions; private clubs or lodges.	•	•	•											
Housing for the elderly or handicapped within 1,000 ft. of public transportation and shopping; single-family dwelling detached; two-family dwelling; Urban Core Living Units.	•													
Professional and Business offices and office buildings—including general and professional tenants as well as banking, savings and loan and other financial institutions but not including medical or dental clinics or mental health/substance abuse treatment facilities, offices or clinics.	•	•	•											
Printing and related trades—including publishing, job printing, lithographing; blueprinting, etc., but not within 100 ft. of any residential zone.		•	•	•	•	•	•		•					
Public building—including post office; fire and police stations; bus passenger terminal, telephone exchange or office or other public utility office; and governmental buildings.	•	•	•											
Public utilities buildings and structures—including Storage yards and vehicle parking area.				•	•	•	•							

<u>Permitted Uses</u>	<u>B-1</u>	<u>B-2</u>	<u>NPC</u>	<u>IRA</u>	<u>I-1</u>	<u>I-2</u>	<u>I-3</u>	<u>I-4</u>	<u>IT</u>	<u>IOP</u>	<u>ID</u>	<u>SMH</u>	<u>RF</u>	<u>PL</u>
Recreation (commercial)--including baseball field, swimming pools, skating rinks, golf driving ranges, stadiums or arenas and similar open air facilities; livery stables or riding academies, amusement parks, or similar recreational uses; provided such recreational establishments shall be at least 200 ft. from any residential zone.		•			•									
Product testing, Research and Development facilities.			•						•	•				
Physical Fitness Centers.	•	•	•	•	•									
Retail sales distribution facility for the processing of orders for and preparation of pharmaceutical and related products in the health care field but not to include sale and delivery of product to customers on premises.									•					
Restaurants--With or without alcoholic beverages.	•	•	•	•										
Retail business--whose principal activity is the sale of merchandise in an enclosed building (except automobile sales, boat sales, mobile home sales; etc., which tend to detract or interfere with a high intensity of pedestrian shopping activity).	•	•	•											
Retail sales or rental-including lumber, paints, hardware and other building supplies; automobiles, trucks, trailers, boats, motorcycles, new or used; warehousing and distribution of unprepared food products at no cost to general public for consumption off-site. Further, the location of the "distribution of unprepared food products" use shall not have frontage on a state highway; construction equipment, agricultural equipment, power tools, new or used; scientific and laboratory supplies.		•		•	•									
Retail sales in which both a workshop and a retail outlet are required, such as interior decorating, dressmaking, upholstering, printing, photographic reproducing, radio and home appliances, provided that no more than 50% of the total usable floor area of the establishment shall be used for servicing, repair or processing activities.	•	•	•											
Retail services--including grocery stores; supermarkets; fruit, meat and vegetable stores; drug stores; garden stores; barber shops; beauty parlors; clothes cleaning and laundry pick-ups; art and antique shops, artists supply stores; self-service laundries; department stores including discount houses; variety and dime stores; dry goods and apparel stores; mail-order houses; and similar uses.	•	•												

<u>Permitted Uses</u>	<u>B-1</u>	<u>B-2</u>	<u>NPC</u>	<u>IRA</u>	<u>I-1</u>	<u>I-2</u>	<u>I-3</u>	<u>I-4</u>	<u>IT</u>	<u>IOP</u>	<u>ID</u>	<u>SMH</u>	<u>RF</u>	<u>PL</u>
Service establishments, including barber shops and beauty parlors; dry cleaning and laundry pickup stations for work to be done elsewhere; dry cleaning, using non-inflammable cleaning agents only, for work accepted on the premises; locksmith; radio and television repair shop; shoe repair; tailoring, dressmaking and pressing; newspaper stand; and similar uses.	•	•	•											
Studios -- motion picture, recording, television and radio production studios, transmitters and related equipment.					•	•		•	•					
Wholesale and warehousing of items manufacture on the premises.			•		•	•			•					
Warehousing of items or materials not produced or created on the premises (except items prohibited as shown elsewhere in the Code).				•	•	•		•						
Office buildings – including general and professional tenants but not including mental health/substance abuse treatment facilities, offices or clinics.				•	•	•			•					
Offices except medical and dental but not including mental health/substance abuse treatment facilities, offices or clinics.								•						
Interstate Office Park Zone. The use of the zone shall be limited to business and professional offices and corporate business offices. Business uses shall include but not be limited to, any occupation or trade primarily of a clerical nature such as insurance company or sales offices but shall not include commercial activities such as the manufacturing or assembling of wares.										•				
Institutions, health, religious, charitable, and governmental uses.											•			
Repair, replacement and reconditioning of diesel engines, components, power trains and equipment, but not to include junkyards or permanent outside storage of dismantled or salvaged parts, equipment or vehicles.									•					
Servicing, repair, installation and assembly of computers and communication equipment, including two-way marine and automobile radios, emergency alarms and lighting systems, but not to include the general retail sales thereof.									•					
Motor vehicle services and repair and body and fender repair and paint shop, provided that no building or structure for said use is located within 50 ft. of any residential zone and further provided that all outside storage of material associated with said business be screened so as to not be observable from abutting properties.		•		•	•	•								

<u>Permitted Uses</u>	<u>B-1</u>	<u>B-2</u>	<u>NPC</u>	<u>IRA</u>	<u>I-1</u>	<u>I-2</u>	<u>I-3</u>	<u>I-4</u>	<u>IT</u>	<u>IOP</u>	<u>ID</u>	<u>SMH</u>	<u>RF</u>	<u>PL</u>
Conference Center Complex. A hotel with a minimum area of 200,000 sq. ft. on at least 15 acres and a minimum of 250 rooms with multi-purpose public meeting and conference rooms, auditoriums, ballrooms and assembly halls, together with customary conference center-hotel accessory uses, including, but not limited to, eating establishments, dining facilities and entertainment areas, all serving food only as well as those serving both food and alcoholic beverages, gift and other shops; swimming pools, sauna and steam rooms; barbershops and beauty parlors; and secretarial and other services.									•					
Manufacturing and distribution. Only in buildings, which have been used, historically, for this purpose, and only in buildings with more than 40,000 sq. ft.	•													
Business and Professional Offices.			•											
A Golf Driving Range subject to conditions described hereafter: (1) that not more than 25% of the I-4 parcel is used as a driving range; (2) that not more than 10 acres of the I-4 zone parcel is used as such golf driving range; (3) that the sales office\pro shop has a land footprint not any greater than 900 sq. ft.; and (4) that the Planning and Zoning staff approve the site plan as a whole including location of protective fencing and such other structures and improvements as the particular site shall demand.								•						
Wholesaling, warehousing and distribution facilities employing greater than 50 employees (not to include terminal exclusively for the transfer of freight not owned by the building occupant).									•					
Biotech, telecommunication, and environmental service industries excluding those dealing with the transfer and\or final disposition of solid waste.			•	•	•			•	•					
Sports training facilities solely for use by a professional sports team.			•						•	•	•			
Medical and Dental Offices. Medical and Dental Offices with less than five practitioners, specifically excluding those whose principal service is mental health and/or substance abuse diagnosis and treatment.	•	•	•											
Vocational School for Massage Therapy Including classroom training facilities, administrative offices, Student Clinic, Professional Graduate Clinic, and associated services and support activities involved in the daily operation of a Professional Massage Therapy Vocational School. All activities are to be in compliance with state statutes regulating the training and practice of Massage Therapy.									•					

<u>Permitted Uses</u>	<u>B-1</u>	<u>B-2</u>	<u>NPC</u>	<u>IRA</u>	<u>I-1</u>	<u>I-2</u>	<u>I-3</u>	<u>I-4</u>	<u>IT</u>	<u>IOP</u>	<u>ID</u>	<u>SMH</u>	<u>RF</u>	<u>PL</u>
Design Center including corporate offices, sales area, warehousing, and stone and tile distribution, is part of a Stone Fabrication facility. And where such Center: (1) is located not less than a one-half (½) mile from the entrance to an interstate highway; and (2) is not greater in size than 30% of the area of the combined facility and where such center is found to support or enhance employment in the on-site manufacture and fabrication of such items as are on display. A Design Center shall display stone items fabricated on-site and may incorporate other interior and exterior decorating items including architectural woodwork, wood inlays, cabinets, plumbing fixtures, works of art, and other accessory and coordinated items and may also include offices, meeting areas, or areas for architects, decorators, and designers.									•					
Retail Sales and Self Storage. Retail Sales and Self Storage in commercial buildings where the currently existing space, used for hardware stores, paint shops, other building supplies and similar business uses, may use up to 50% of the space of the building, which shall be separately petitioned for self-storage purposes.		•												
Sale or Dispensation of any form of marijuana and/or medical marijuana by a CT licensed pharmacist on the premises of a pharmacy or standalone Medical Marijuana Dispensary Facility licensed by the State of Connecticut provided the State of Connecticut legalizes said use.		•	•											
Corporate office for high technology/environmental services uses and related storage of equipment and materials provided that such uses do not create hazardous, noxious or offensive conditions, and specifically excluding the on-site storage, transfer or disposal of hazardous, regulated, medical, solid or bulky wastes which are not otherwise permitted by the Connecticut DEEP and/or the City of Middletown, as may be required.										•				



<u>Permitted Uses</u>	<u>B-1</u>	<u>B-2</u>	<u>NPC</u>	<u>IRA</u>	<u>I-1</u>	<u>I-2</u>	<u>I-3</u>	<u>I-4</u>	<u>IT</u>	<u>IOP</u>	<u>ID</u>	<u>SMH</u>	<u>RF</u>	<u>PL</u>
Data Centers - The following standards shall apply to data centers: (A) Building Facades visible from a City Street or Right of Way, shall avoid the use of undifferentiated surfaces by including at least two of the following design elements: change in building height, building step-backs or recesses, fenestration, change in building material, pattern, texture, color, or use of accent materials. When a building has more than one façade visible from a City Street or City Right of Way, such principal building facades shall be consistent in terms of design, materials, details, and treatment. (B) Screening of Mechanical Equipment. In order to minimize visibility from adjacent roads and adjacent properties, ground level and roof top mechanical equipment shall be screened. This screening may be provided by a principal building. Mechanical equipment not screened by a principal building shall be screened by a visually solid fence, screen wall or panel, parapet wall, or other visually solid screen that shall be constructed of materials compatible with those used in the exterior construction of the principal building. (C) Exterior Lighting. All exterior lighting shall be designed and constructed with cutoff and fully shielded fixtures that direct light downward and into the interior of the property and away from adjacent roads and adjacent properties. (H) Buffer Yard Requirement. Any property that abuts a residential zone shall site the proposed data center in a manner to screen or buffer the data center by use of natural topography and preservation of existing vegetation, supplemented by new vegetation, if needed, with landscaped earthen berm.					•		•	•	•					
Tattoo and/or Body Piercing Studios – Tattoo and/or Body Piercing Studios that are regulated through the Connecticut Department of Public Health.		•	•											
Brewpub.	•	•	•										•	
Brewery/Distillery.			•	•	•	•			•					
Park Land.														•

2. *Special Exception Uses.* The following uses by special exception may be permitted in accordance with the provisions of §5.6 *Special Exceptions.*

<u>Special Exception Uses</u>	<u>B-1</u>	<u>B-2</u>	<u>NPC</u>	<u>IRA</u>	<u>I-1</u>	<u>I-2</u>	<u>I-3</u>	<u>I-4</u>	<u>IT</u>	<u>IOP</u>	<u>ID</u>	<u>SMH</u>	<u>RF</u>	<u>PL</u>
Gasoline filling stations. (§5.6.8.14)		•												
Drive-in establishment, limited to drive-in banks. (§5.6.8.12)		•												
Eleemosynary or philanthropic institutions—need not be enclosed. (§5.6.8.16)	•	•												

<u>Special Exception Uses</u>	<u>B-1</u>	<u>B-2</u>	<u>NPC</u>	<u>IRA</u>	<u>I-1</u>	<u>I-2</u>	<u>I-3</u>	<u>I-4</u>	<u>IT</u>	<u>IOP</u>	<u>ID</u>	<u>SMH</u>	<u>RF</u>	<u>PL</u>
General retail use not expressly prohibited by this Code. (§5.6.4)	•	•												
Junkyards and building material salvage yards.					•	•	•							
Public utility structures. (§5.6.8.11)	•	•						•	•				•	
Leaf Composting Area. (§5.6.8.37)											•			
Ready-mix concrete plant. (§5.6.8.19)					•									
Restaurant or lunchroom. (§5.6.8.20)					•	•								
Restaurants, providing service for customers either at counters or at tables including sale of alcoholic beverages.													•	
Marinas and boatyards for the building, storage, repair, sale, or rental of boats; docks, wharfs, piers for the storage and transport of goods, merchandise, and/or people. If such a facility is located adjacent to an industrial zone, it shall be treated as a permitted use subject to site plan approval. (§5.6.4)													•	
Taxicab stand--need not be enclosed. (§5.6.8.21)	•	•												
Outdoor Recreational uses such as: Parks, Playgrounds, Playfields, Golf courses, Boating areas, Community buildings, Developed open space, such as Arboreta, Botanical and Zoological gardens and similar recreational uses.													•	
Adaptive residential use for structures currently or recently occupied by non-conforming use.	•													
Natural Resource Extraction. (§5.6.8.10)	•				•	•	•							
Alcoholic Liquor Establishments. (§5.6.8.24)	•	•	•											
Automobile, truck, trailer, farm implements and similar automotive equipment sales, new and used. (§5.6.8.25)			•		•	•								
Bus stop Passenger Shelters. (§5.6.8.26)	•	•			•	•	•	•	•		•		•	
Adaptive historic preservation use harmonious with the physical characteristics and originally designed use of the structure. (§5.6.8.27)	•	•			•	•	•		•		•		•	•
Banking facilities with drive-up windows. (§5.6.8.12)	•		•			•		•	•					
Child Care Facilities. (§5.6.8.2)	•	•			•	•	•		•					
Care/nursing homes. (§5.6.8.30)		•												

<u>Special Exception Uses</u>	<u>B-1</u>	<u>B-2</u>	<u>NPC</u>	<u>IRA</u>	<u>I-1</u>	<u>I-2</u>	<u>I-3</u>	<u>I-4</u>	<u>IT</u>	<u>IOP</u>	<u>ID</u>	<u>SMH</u>	<u>RF</u>	<u>PL</u>
Solid Waste Facility (§5.6.8.32) All proposals including expansion to existing facilities shall be subject to Category 4 site plan review. Except that: Solid Waste Disposal Areas (§1.15 Definitions) shall not be permitted in the IT zone.					•	•	•		•		•			
Recreation (commercial)--including billiard parlors and pool halls; bowling alleys; nightclubs; theaters and other assembly halls; subject to all applicable codes and such permits and licenses as may be required by law, and expressly prohibiting CT Liquor Control Commission Café Liquor Permits and drive-in theaters.	•	•	•											
Research, experimental and testing laboratories and light manufacturing in existing buildings in excess of 15,000 sq. ft.		•	•											
Trucking company terminals for storage, assembly, distribution, handling or transfer of freight.									•					
Golf Driving Ranges, Miniature Golf Courses, and golf courses			•		•									
Antique/Flea Market whose principal activity would be to allow antique dealers and other vendors to see their merchandise.					•									
Landscape and Garden Center.			•		•									
Medical and Dental Clinics. Medical and Dental Clinics comprised of 5 or more practitioners, specifically excluding clinics whose principal service is mental health and/or substance abuse diagnosis and treatment.	•	•	•											
Corporate office/high technology processing of previously manufactured parts used in aerospace, automotive, medical and similar industries, provided, that such processing does not create hazardous, noxious or offensive conditions, and specifically excluding (a) traditional manufacturing (i.e. conversion of raw materials) and (b) the use, storage or disposition of medical or solid wastes. (§5.6.8.42)										•				
Indoor Recreational Facility. A facility where a fee is paid in exchange for activities, events, or programs related to athletics, physical conditioning and accessory activities conducted indoors.								•						
Transitional development housing is allowed immediately adjacent to R-15 zones on parcels with no frontage on a state highway, at a density not to exceed 12 units per acre, and for parcels smaller than one acre at a density not to exceed 12 units, to serve as a buffer zone between commercial and residential areas. Appropriate setbacks and parking to be determined by the Commission during site plan review process. Advisory opinion from Design Review Board shall be submitted with site plan.	•													

<u>Special Exception Uses</u>	<u>B-1</u>	<u>B-2</u>	<u>NPC</u>	<u>IRA</u>	<u>I-1</u>	<u>I-2</u>	<u>I-3</u>	<u>I-4</u>	<u>IT</u>	<u>IOP</u>	<u>ID</u>	<u>SMH</u>	<u>RF</u>	<u>PL</u>
Data Centers. (§5.6.8.45)						•				•	•			
Brewpub. (§5.6.8.47)				•										
Brewery/Distillery. (§5.6.8.47)						•	•							
Accessory Outdoor Uses for Brewpubs. (§5.6.8.47)	•	•	•		•									
Accessory Outdoor Uses for Breweries/Distilleries. (§5.6.8.47)			•	•	•	•	•	•	•					
Rooming Houses.											•			
Clinics for Mental health and/or substance abuse diagnosis and treatment.												•		
Bottle Redemption Center. (§5.6.8.51)				•										

3. *Accessory Uses.* The following Accessory Uses shall be permitted in accordance with the provisions of §4.10 *Limitations on Accessory Uses.*

<u>Accessory Uses</u>	<u>B-1</u>	<u>B-2</u>	<u>NPC</u>	<u>IRA</u>	<u>I-1</u>	<u>I-2</u>	<u>I-3</u>	<u>I-4</u>	<u>IT</u>	<u>IOP</u>	<u>ID</u>	<u>SMH</u>	<u>RF</u>	<u>PL</u>
Accessory Apartments. (§4.11)	•	•	•	•	•	•	•	•	•	•	•	•	•	•
Uses customarily incidental to the main or principal building or land use such as business office, conference / meeting facilities, data processing/ storage, personnel services (i.e. dining facilities, child care facilities, medical services) and off-street parking and loading space.	•	•	•	•	•	•	•	•	•	•	•	•	•	•
Closely associated accessory uses as an integral part of the principal, or main use of the premises, conference / meeting facility, data processing/ storage, personnel services (i.e. dining facilities, child care facilities, medical and emergency services), off-street parking and loading space, research laboratories and solid waste facility. Dining facilities serving both food and alcoholic beverages shall be permitted in any office building housing any corporate headquarters or corporate branch office provided that the uses occupy a minimum of 500,000 sq. ft. on a single parcel. Heliports or Helicopter landing areas shall be permitted as an accessory use only if the principal use is conducted on a single lot having an area of 20 acres or larger.									•	•				

4. *Uses by Temporary Permit.* The following are permitted as Temporary Uses.

<u>Temporary Uses</u>	<u>B-1</u>	<u>B-2</u>	<u>NPC</u>	<u>IRA</u>	<u>I-1</u>	<u>I-2</u>	<u>I-3</u>	<u>I-4</u>	<u>IT</u>	<u>IOP</u>	<u>ID</u>	<u>SMH</u>	<u>RF</u>	<u>PL</u>
Temporary office and building or yard for construction material of equipment and model all incidental and related to construction within the immediate area; provided, however, that each permit shall be valid for a period of not more than six months and shall not be renewed for more than four successive periods at the same location.	•	•	•	•	•	•	•	•	•	•	•	•	•	•

### 5. *Prohibited Uses.*

<u>Prohibited Uses</u>	<u>B-1</u>	<u>B-2</u>	<u>NPC</u>	<u>IRA</u>	<u>I-1</u>	<u>I-2</u>	<u>I-3</u>	<u>I-4</u>	<u>IT</u>	<u>IOP</u>	<u>ID</u>	<u>SMH</u>	<u>RF</u>	<u>PL</u>
Any use which can be reasonably considered to cause, despite existing environmental safeguards, hazardous or noxious conditions or which would violate <i>§1.8 Performance Standards</i> . Further any use not specified as a permitted use, special exception use, accessory use, permitted home occupation use or use by temporary permit are prohibited uses including but not limited to the incineration of solid waste, correctional facilities, alternate incarceration centers, half way houses, tattoo and/or body piercing studios, pawn shops, check cashing establishments, and asphalt/batch plants.	•	•	•	•	•	•	•	•	•	•	•	•	•	•
No land or building, or any portions thereof, shall be used in the City of Middletown for gambling purposes as a principal or accessory use (including land used for parking or other uses to benefit water based gambling). No manually or automatically operated gambling devices, video or otherwise, including, but not limited to slot machines, shall be permitted as a principal or accessory use in any zone in the City of Middletown. Where such land or building is used solely for the benefit of charitable or non-profit institutions this section shall not apply. Nothing in this section shall be construed to prohibit the sale of State of Connecticut lottery tickets in the City of Middletown.	•	•	•	•	•	•	•	•	•	•	•	•	•	•
Junk Yards.	•	•	•	•	•	•	•	•	•	•	•	•	•	•

**§6.3 Mixed Use Zones Use Schedule.** No land shall be used or occupied and no structure shall be erected, constructed, reconstructed, altered or used, except for any use of the following permitted uses, special exception uses, accessory use, permitted Residential Unit Business Pursuit uses, or uses by temporary uses. In any cases where a use is alleged to be similar to a specified use referred to in the following schedule its status shall be determined by the Commission by reference to the most clearly similar use or uses that are specifically referred to in the use schedule or declared that the use is not similar. When the status of a use has been so determined, such determination shall thereafter have general applicability to all uses of the same type.

1. *Permitted Uses.* The following uses may be operated as Permitted Uses:

<u>Permitted Uses</u>	<u>MXR</u>	<u>MXC</u>	<u>MXI</u>
Residential Unit Business Pursuit.	•	•	•
Single-Family Dwelling, detached.	•	•	•
Two-Family Dwelling.	•	•	•
Multi-Family Dwelling (3-6 units).	•	•	•
Mixed Use Development. Any non-residential special exception use, except those uses subject to §5.6.8 <i>Standards for Special Exception</i> may, be considered a permitted use as part of a mixed use development.		•	•
Farming or other agriculture uses—any green house that brings the total of such ground area to 5,000 sq. ft. or more shall be a Special Exception. Seasonal farm stands shall be allowed provided they receive site plan approval and are a part of a farming operation in excess of five acres and products sold are grown or produced on the premises where the stand is located or elsewhere in Middletown and up to 25% of the products sold may be grown or produced elsewhere in the region. Appropriate parking as determined during the site plan process shall be required.	•	•	•
Bus stop Passenger Shelter.	•	•	•

2. *Special Exception Uses.* The following uses by Special Exception may be permitted in accordance with the provision of §5.6 *Special Exceptions*:

<u>Special Exception Uses</u>	<u>MXR</u>	<u>MXC</u>	<u>MXI</u>
Fraternity and Sorority Houses. (§5.6.8.4)	•	•	•
Adaptive residential use for structures currently or recently occupied by non-conforming use.	•	•	•
Housing for elderly or physically handicapped persons. (§5.6.8.7)	•	•	•
Multi-family Dwelling (seven or more units). (§5.6.8.22)	•	•	•
Rooming Houses.		•	
Child Care Facilities. (§5.6.8.2)	•	•	•
Neighborhood stores. (§5.6.8.9)	•		
Banks--savings and loan companies, finance companies and similar services.		•	•
Automobile services, farm implements--automobile, truck trailers, farm implements, for sale, display, hire or repair, including sales lots, used car lots, trailer lots, repair garages, body and fender shops, paint shops, but not within 50 ft. from any residential zone.			•
Mortuaries or funeral homes--including ambulance service.			•

<u>Special Exception Uses</u>	<u>MXR</u>	<u>MXC</u>	<u>MXI</u>
Professional and business offices. (§5.6.8.8)		•	•
Bed and Breakfast. (§5.6.8.31)		•	•
Physical Fitness Centers.		•	•
Restaurants.		•	•
Retail business not to exceed 12,000 sq. ft. of floor area--whose principal activity is the sale of merchandise in an enclosed building (except automobile sales, boat sales, mobile home sales; etc., which tend to detract or interfere with a high intensity of pedestrian shopping activity).		•	•
Retail sales in which both a workshop and a retail outlet are required not to exceed 12,000 sq. ft. of floor area, such as interior decorating, dressmaking, upholstering, printing, photographic reproducing, radio and home appliances, provided that no more than 50% of the total usable floor area of the establishment shall be used for servicing, repair or processing activities.		•	•
Retail services not to exceed 12,000 sq. ft. of floor area --including grocery stores; supermarkets; fruit, meat and vegetable stores; drug stores; garden stores; barber shops; beauty parlors; clothes cleaning and laundry pick-ups; art and antique shops, artists supply stores; self-service laundries; department stores including discount houses; variety and dime stores; dry goods and apparel stores; mail-order houses; and similar uses.			•
Retail business exceeding 12,000 sq. ft. of floor area--whose principal activity is the sale of merchandise in an enclosed building (except automobile sales, boat sales, mobile home sales; etc., which tend to detract or interfere with a high intensity of pedestrian shopping activity).			•
Retail sales in which both a workshop and a retail outlet are required exceeding 12,000 sq. ft. of floor area, such as interior decorating, dressmaking, upholstering, printing, photographic reproducing, radio and home appliances, provided that no more than 50% of the total usable floor area of the establishment shall be used for servicing, repair or processing activities.			•
Retail services exceeding 12,000 sq. ft. of floor area --including grocery stores; supermarkets; fruit, meat and vegetable stores; drug stores; garden stores; barber shops; beauty parlors; clothes cleaning and laundry pick-ups; art and antique shops, artists supply stores; self-service laundries; department stores including discount houses; variety and dime stores; dry goods and apparel stores; mail-order houses; and similar uses.			•
Workshop with retail storefront.		•	•
Banking Facilities with the drive-through windows. (§5.6.8.12)			•
Service establishments, including barber shops and beauty parlors; dry cleaning and laundry pickup stations for work to be done elsewhere; dry cleaning, using non-inflammable cleaning agents only, for work accepted on the premises; locksmith; radio and television repair shop; shoe repair; tailoring, dressmaking and pressing; newspaper stand; and similar uses.	•	•	•
Care/nursing homes. (§5.6.8.30)		•	•

<u>Special Exception Uses</u>	<u>MXR</u>	<u>MXC</u>	<u>MXI</u>
Commercial schools and art studios, business colleges, trade schools, dancing studios, photographic studios, radio and telecasting studios. There shall be no more than one satellite dish per property and the diameter shall not be more than six feet.			
Medical and Dental Clinics. Medical and Dental Clinics comprised of five or more practitioners, specifically excluding clinics whose principal service is mental health and/or substance abuse diagnosis and treatment.		•	•
Medical and Dental Offices. Medical and Dental Offices with less than five practitioners, specifically excluding those whose principal service is mental health and/or substance abuse diagnosis and treatment.		•	•
Brewery/Distillery. (§5.6.8.47)			•
Brewpub. (§5.6.8.47)		•	•
Accessory Outdoor Uses for Breweries/Distilleries. (§5.6.8.47)			•
Accessory Outdoor Uses for Brewpubs. (§5.6.8.47)		•	•
Motor vehicle services and repair and body and fender repair and paint shop, provided that no building or structure for said use is located within 50 ft. of any residential zone and further provided that all outside storage of material associated with said business be screened so as to not be observable from abutting properties.			•
Manufacturing – A use engaged in the basic processing and manufacturing of materials, parts or products from extracted or raw materials or from previously prepared materials, including processing, fabrication, assembly, treatment, packaging, and incidental storage, sales and distribution of such products.			•
Ambulance Service. (§5.6.8.1)			•
Private clubs, service organizations, including community buildings and similar recreational uses privately owned and/or operated. (§5.6.8.5)		•	•
Libraries, museums and similar institutions of a non-commercial nature.		•	•
Public building—including post office; fire and police stations; bus passenger terminal, telephone exchange or office or other public utility office; and governmental buildings.			•
Non-commercial uses such as churches and other places of worship; libraries, museums, and similar institutions; private clubs or lodges.		•	•
Public utility buildings and structures. (§5.6.8.11)	•	•	•
Adaptive historic preservation use harmonious with the physical characteristics and originally designed use of the structure. (§5.6.8.27)	•	•	•
Cannabis Micro-Cultivation. (§5.6.8.50)			•
Bottle Redemption Center. (§5.6.8.51)			•



3. *Accessory Uses.* The following Accessory Uses shall be permitted in accordance with the provisions of §4.10 *Limitations on Accessory Uses.*

<u>Accessory Uses</u>	<u>MXR</u>	<u>MXC</u>	<u>MXI</u>
Accessory Apartments. (§4.11)	•	•	•
Uses customarily incidental to the main or principal building or land use.	•	•	•

4. *Uses by Temporary Permit.*

<u>Temporary Uses</u>	<u>MXR</u>	<u>MXC</u>	<u>MXI</u>
Temporary office and building or yard for construction material of equipment and model all incidental and related to construction within the immediate area; provided, however, that each permit shall be valid for a period of not more than six months and shall not be renewed for more than four successive periods at the same location.	•	•	•

5. *Prohibited Uses.*

<u>Prohibited Uses</u>	<u>MXR</u>	<u>MXC</u>	<u>MXI</u>
Any use which can be reasonably considered to cause, despite existing environmental safeguards, hazardous or noxious conditions or which would violate §1.8 <i>Performance Standards</i> . Further any use not specified as a permitted use, special exception use, accessory use, permitted home occupation use or use by temporary permit are prohibited uses including but not limited to the incineration of solid waste, correctional facilities, alternate incarceration centers, half way houses, pawn shops, check cashing establishments, junk yards, and asphalt/batch plants.	•	•	•
No land or building, or any portions thereof, shall be used in the City of Middletown for gambling purposes as a principal or accessory use (including land used for parking or other uses to benefit water based gambling). No manually or automatically operated gambling devices, video or otherwise, including, but not limited to slot machines, shall be permitted as a principal or accessory use in any zone in the City of Middletown. Where such land or building is used solely for the benefit of charitable or non-profit institutions this section shall not apply. Nothing in this section shall be construed to prohibit the sale of State of Connecticut lottery tickets in the City of Middletown.	•	•	•

## Article VII. Legislative Actions

**§7.1 Reference.** This Code shall be known and cited as the “Zoning Code of the City of Middletown, Connecticut”.

**§7.2 Amendment Procedure.**

1. These Codes and the Zones established hereunder may be amended, modified, changed, added to, or repealed by
  1. Initiative of the Commission, or
  2. By the Commission approval of an application filed by any other person or entity, or
  3. Petition by the Department of Land Use Staff.
2. Applications shall consist of four parts:
  1. Completed applications form(s) provided by the Commission’s Office;
  2. Payment of the fee designated in *§223-8 of the Code of Ordinances*;
  3. Text and/or maps identifying the proposed amendment including the present status of the Code, if existing codes are involved in the proposed amendment; and
  4. A statement and/or schematic plans explaining the purpose of the zone change. If a map amendment is involved, the scale of the map shall be adequate to clearly identify the boundaries of the zones. Prior to a decision, the Commission shall conduct a public hearing as specified in the *Connecticut General Statutes*, as amended. No fee shall be collected on any Commission initiated application.
3. *Basis for decision.* In passing upon any such petition, the Commission shall take into account the various factors favoring and disfavoring a change, such as but not limited to the following:
  1. Errors in the existing Code; changes that have taken place in the City in patterns of development and land use; the supply of land and its peculiar suitability for various purposes; the effect of a map change on the surrounding area, the purposes of zoning; the objectives of the *Plan of Conservation and Development*; neighborhood acceptance weighed against community needs; and legality.

2. Whether some other method or procedure under the Zoning Code is available and more appropriate than the amendment proposed.
3. As a general policy, the Commission should not establish any zone with a geographic area less than 20 ac.
4. **Effective Date of Amendments.** Unless otherwise specified by the Commission, the effective date of any amendment to these codes or amendment to the zoning map shall be one day after both the filing of such code or amendment in the Town Clerk's office and the publication of the notice of the decision of the Commission has been published in accordance with *§8-3d of the Connecticut General Statutes*.

**§7.3 Repealer.** The Zoning Code of 1927, as amended, of the City of Middletown, passed and adopted by the Zoning Commission of the City of Middletown on the 7<sup>th</sup> day of February, 1927, is hereby repealed, provided that nothing herein contained shall be deemed to repeal or amend any law of said City requiring a permit or license or both to carry on any business, trade or occupation.

**§7.4 Controlling Code.** If this Code requires a greater width or size of yards, courts or other open spaces or lower height of building or a fewer number of stories or a greater percentage of lot area to be left unoccupied or imposes other and higher standards than are required in any other statute, bylaw ordinance or code the provisions of this Code shall govern. If the provisions of any other statute, bylaw, ordinance or code require a greater width or size of yards, courts or other open spaces or a lower height of building or a fewer number of stories or a greater percentage of lot area to be left unoccupied or impose other and higher standards than are required by this Code the provisions of such statute, bylaw, ordinance or code shall govern.

**§7.5 Effective Date.** The effective date of this shall be October 5, 2022 as amended from time to time.

## Amendments Adopted to the Zoning Code and Zoning Map after Effective Date of October 5, 2022

<b>No.</b>	<b>Topic</b>	<b>Section</b>	<b>Approval Date</b>	<b>Effective Date</b>
1.	Re-adoption of the Middletown Zoning Code with amendments related format, numbering, references, and spelling & grammar corrections.	All sections	9/28/2022	10/5/2022
2.	Add Bottle Redemption Center Use	§1.15, 4.19.4, 56.8, 6.2.2, 6.3.2	10/26/2022	11/2/2022
3.	Accessory Apartments	§1.15, 3.9, 4.10, 4.11, 4.19, 6.1, 6.2, 6.3	11/28/2022	12/7/2022